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ABSTRACT

The report analyzes a 1985 survey of the adequacy of materials sent by British local education authorities (LEAs) in compliance with a 1981 law requiring that authorities provide parents of children with special educational needs information concerning arrangements and policies for identification and assessment, the placement process, and appeal procedures. One hundred four LEA's in England and Wales were asked to submit materials designed for parents and detailing their policies. Findings of the 65 responses included the following: LEAs were reluctant to spell out LEA duties to parents; only a third of LEAs tell parents they have a right to be fully consulted and receive all relevant information; only 8% refer to the issue of confidentiality; 48% fail to mention parents' right of appeal; and 54% fail to refer to annual reviews. The report consists of two parts: one describes the survey; the second provides related readings, a summary of the 1981 Education Act and the accompanying regulations, the text of a circular explaining the government's rationale behind the Act, suggestions for further reading, useful addresses, and addresses of local education authorities. (DB)

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Caught in the Act

What LEAs tell parents under the 1981 Education Act

A survey by Rick Rogers
For the Centre for Studies on Integration in Education (CSIE)

THE SPASTICS SOCIETY

EC 191711

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What LEAs tell parents under the 1981 Education Act

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THE SPASTICS SOCIETY
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What the survey looked at

Introduction

For four years now, local education authorities (LEAs) have been legally obliged to provide parents and guardians with detailed information about their educational policies and arrangements. Section 8 of the Education Act 1980 and the accompanying Education (School Information) Regulations 1981 set out just what information they must publish in a suitable form for parents.

With regard to special educational provision, LEAs must, among other matters, publish their 'detailed arrangements and policies' for identifying and assessing children with special educational needs and for involving parents in that process. They must also publish their arrangements for enabling parents who consider their child may have special educational needs to obtain further information and advice.

In 1984, the Centre for Studies on Integration in Education (CSIE) became increasingly concerned at the number of parents complaining of a lack of proper information coming from their LEA. It decided to carry out a survey of what information LEAs were providing, and in what form.

The right to information

Parents' entitlement to information comes from Section 8 of the 1980 Education Act and the Education (School Information) Regulations 1981. They are backed by Section 5 of the 1981 Act. Once an LEA decides to assess a child for special educational provision, it must send parents a formal notice setting out, among other matters, the procedures to be followed in that assessment and subsequent statementing.

The Department of Education and Science (DES) Circular 1/83 — an advisory rather than a legal document — points out that in the initial stages of the assessment process: 'The LEA should aim to provide the parent with all the information he might require including any relevant information published under the Education (School Information) Regulations 1981.' So LEAs are both legally and morally obliged to give parents detailed information.

Overarching these specific duties and recommendations is the 1981 Act's emphasis that parents should be regarded as partners with teachers and other professionals in the assessment process. This means 'frankness and openness on all sides' according to DES Circular 1/83, which adds: 'The child's parent should be involved and kept fully informed at every stage.' The Circular sets out 'general principles' which make it quite clear that parental involvement is essential throughout the process of assessment and that they must have access to detailed information. For example:

> 'Professional advice on a child's special educational needs should include enough information to explain fully the nature of the case and to lead to a proper understanding of the child's needs. The arrangements for assessment under section 5, and the form of the statement prescribed by Regulations require the professional advice given to LEAs to be available to the child's parent'

The survey

CSIE asked local authorities to send in the material they publish for parents giving details of their policies and arrangements for identifying, assessing and providing for special educational needs. Since the Centre's concern was with local authorities' legal obligation to publish material for parents under the 1981 School Information Regulations, it did not ask for copies of the individual letters that LEAs send parents during the assessment procedures, although several did include examples of the model letters used.

Sixty-five (63%) of the 104 local education authorities in England and Wales responded to CSIE's request for the material — booklets, leaflets or information sheets — they provide for parents which set out the information required under the legal requirements and official recommendations listed above. The material was analysed in summer 1985.

E & W Counties	29 out of 47	62%
Metro authorities	23 out of 36	64%
Gtr London boroughs	13 out of 21	62%
	65 out of 104	63%

CSIE considered the material on two basic counts: how it was produced and the information it contained. The survey was divided into six categories:

1 — the design and production of the material and the language used.
2 — general principles and duties: how far LEAs set the new procedures in the context of the general principles outlined in the Warnock Committee's recommendations and taken up in the 1981 Act and its accompanying Circulars; and how far LEAs explain their own legal duties and parents' obligations for ensuring children's special educational needs are properly provided for.
3 — the assessment procedures.
4 — the procedures for agreeing the statement.
5 — the arrangements for appeals and subsequent arrangements for reviewing and re-assessing needs.
6 — sources of help and advice both within the LEA and from outside agencies.

Finding out more

In part two of this report we provide a detailed rundown of information to help parents get to grips with — and get the best out of — the new procedures for identifying, assessing and providing for the special educational needs of children and young people.□

What the survey found

Introduction

LEAs produce material for parents on the 1981 Act procedures in several ways: as one section in a general publication on the educational system in the authority; as a separate publication on special educational needs and provision; or in stages after an initial booklet or leaflet via letters to parents as they go through the assessment, statementing and appeals procedures. Some LEAs only offer information in this staggered form with no comprehensive document on what happens. Many parents get a raw deal over the information they receive from their local education authority (LEA) about the procedures for the assessment and statementing of children with special educational needs. The CSIE survey of the material supplied to parents by 65 LEAs under the 1980 Act and 1981 Regulations reveals that LEAs omit to mention or explain key aspects of the arrangements and effects of assessment, statementing and appealing.

While some authorities give a detailed rundown in a readily accessible form with little or no jargon to contend with, many ignore the spirit of the 1981 Education Act — and the 1980 Act which gives parents increased rights to information. A few would seem to be operating outside the 1981 Act in not giving parents published information about LEA practice.

A minority of LEAs had yet to produce any material for parents on the 1981 Act procedures. For example, **Bury** LEA provides no booklets and no information is given until assessment is being considered. Then, any information is given verbally or in letters. **Bury** says: 'Each school has a "responsible" person whose role involves identification, liaison with parents and professionals and ensuring that assistance is provided in school. Parents are involved at all stages in the procedures and most of the information is given verbally to them and subsequently confirmed in writing on an individual basis.'

A few LEAs, such as **Coventry,** were still writing a document for parents. **Barking** had lost the proposed text for its booklet to parents in a fire in the council offices. **Merton** wrote: 'The Authority does not at present issue a booklet of guidance on Assessment or Statementing procedures but Senior Officers make themselves available to discuss the various issues with parents at every stage.'

It should be emphasised that the CSIE survey has been concerned primarily with the start of this process — the 'initial stages'. A local authority that declines to inform parents of its arrangements and policies at this stage (as it should under the Regulations) would usually do so later on, by letter or word of mouth, as parents arrive at each stage in the assessment or appealing process. But if, from the beginning, parents are not given proper details of the numerous stages of assessment, statementing and appealing, then they are at a disadvantage — and no partner at all.

It is, then, a 'starting-line' survey: how well do LEAs inform parents at the outset of the procedures for identifying and assessing children's special educational needs? What don't they tell parents? Are parents treated as partners in the complex process of finding the most suitable provision for a child?

However, we started by asking how much thought and care LEAs put into the production of the material for parents. See page 4.□

What LEAs say and don't say in their material to parents

1 — half the local authorities surveyed fail to give parents a proper background to the assessment of, and provision for, special educational needs.
2 — many LEAs are reluctant to spell out their duties over assessing and providing for special needs; only 46% refer to the duty to secure provision; only 26% refer to the need to keep provision under review; only 11% refer to the duty to integrate children with special needs into ordinary schools.
3 — only 6% list parents' duties under the Act.
4 — only 14% refer to the concept of parents as partners in the assessment process.
5 — only a third tell parents they have a right to be fully consulted and to receive all relevant information.
6 — only one refers to the need to take account of the feelings and perceptions of children.
7 — only 15% indicate that the Act relates to young people up to 19 if still at school.
8 — only 8% refer to the issue of confidentiality.
9 — only 8% give a comprehensive rundown of the assessment process.
10 — one in three fails to set out the basic steps for proposing, agreeing and carrying out a formal assessment.
11 — over half (52%) fail to mention to parents that they have a right to request a formal assessment themselves.
12 — only 58% explain the 29-day period for comment when an assessment is proposed.
13 — only 51% refer to the named officer when a formal assessment is served.
14 — two in every three fail to explain parents' right to attend their children's examinations.
15 — two in every three fail to provide a comprehensive rundown of the procedure between draft statement and agreeing the final statement according to the Act.
16 — almost half (48%) fail to mention parents' right of appeal if it is decided not to make a statement; almost three-quarters (71%) give no details of the appeals committee.
17 — almost half (48%) fail to mention parents' final right of appeal to the Secretary of State.
18 — more than half (54%) fail to refer to annual reviews after a statement has been made; and two thirds (62%) do not mention the re-assessment process at 13/14.
19 — three in every four do not refer to sources of help from the local education authority — and six in every seven fail to mention outside sources of help in the voluntary sector.□

What LEAs tell parents about the 1981 Act procedures

	C	M	L	all	%
	29	23	13	65	100
General principles and duties					
Define terms and set procedures in context	15	8	8	31	48
LEA duty to secure provision	18	8	4	30	46
LEA duty to keep provision under review	13	3	1	17	26
LEA duty to integrate	3	4	0	7	7
The concept of partnership with parents	4	3	2	9	14
Parents' right to information & consultation	10	4	8	22	34
Parents' right to confidentiality	3	2	0	5	8
Duties of parents	3	0	1	4	6
Take account of child's feelings/perceptions	1	0	0	1	2
Need to involve older children as partners	0	0	0	0	0
Duties extend up to 19s still at school	8	2	0	10	15
Assessment procedure					
Assessment notice not first indication of problem	3	3	2	8	12
Parents' right to request assessment	15	10	6	31	48
Explain proposal to assess	25	12	9	46	71
Reference to named officer	17	8	8	33	51
Explain 29 days for comment	18	11	9	38	58
Offer help in languages other than English	0	1	0	1	2
Parents' right to attend examinations	10	3	7	20	31
The statement					
Explain statement	27	15	11	53	82
Refer to what is in statement	24	17	11	52	80
Copy to go to parents	24	16	11	51	78
Parents consulted on draft statement	25	13	12	50	77
Explain procedure for consultations (15 days etc)	13	10	7	30	46
Explain named person	8	6	4	18	28
Statement reviewed every year	16	10	4	30	46
Re-assessment at 13/14	13	9	3	25	38
Appeals procedure					
Parents' right of appeal if no statement	16	11	7	34	52
Parents' right of appeal over statement	26	15	9	50	77
Explain appeals procedure	12	10	3	25	38
Give details of appeals committee	8	9	2	19	29
Parents' right of appeal to Secretary of State	20	10	4	34	52
Sources of help					
Local authc ity	7	7	3	17	26
Outside agencies	3	3	3	9	14

C: English & Welsh Counties; M: Metropolitan authorities; L: Greater London boroughs & ILEA.

LEAs involved in the survey

Counties

Avon
Bedfordshire
Berkshire
Buckinghamshire
Cheshire
Cleveland
Derbyshire
Hampshire
Hereford & Worcester
Hertfordshire
Humberside
Kent
Leicestershire
Lincolnshire
North Yorkshire
Northamptonshire
Northumberland
Nottinghamshire
Oxfordshire
Shropshire
Staffordshire
Suffolk
Surrey
West Sussex
Wiltshire

Clwyd
Mid Glamorgan
South Glamorgan
Gwynedd

Metros

Birmingham
Sandwell
Solihull
Walsall
Wolverhampton
Knowsley
Liverpool
Wirral
Bolton
Bury
Manchester
Oldham
Rochdale
Salford
Trafford
Rotherham
Sheffield
Bradford
Kirkless
Leeds
Wakefield
Newcastle
South Tyneside

London

Barnet
Bexley
Brent
Bromley
Ealing
Enfield
Haringey
Havering
Hounslow
ILEA
Newham
Redbridge
Waltham Forest

Design, production and language

LEAs produce their information in a range of formats, styles and combinations. Some, such as **Bradford, Hounslow** and **Hereford and Worcester,** not surprisingly do so as inexpensively as possible — typed sheets, run off and stapled. But the majority of LEAs produce booklets or leaflets which are adequately — and in some cases — well designed and printed.

Several LEAs put their information about special educational needs in booklets about all educational provision in the authority. Others — either instead or as well as — offer separate booklets, leaflets or sheets exclusively about special educational needs and provision. A further division can occur with authorities making available the details of assessment, statementing and appealing as separate publications. Just over half the LEAs surveyed offered a separate publication to parents.

This is a very successful way of breaking the information down since being able to understand and negotiate successfully through assessment to final agreement of the statement and provision required — and to have all that in a readily accessible form — is at the core of any new deal for parents and children under the 1981 Act.

LEAs offering publications with general or all-in information		LEAs offering separate publications on procedures only		LEAs which do both	
Counties	19	Counties	19	Counties	9
Metros	19	Metros	5	Metros	5
London	5	London	8	London	1
	43		35		15

Of those LEAs which provide material specifically relating to special educational needs, 36 produce booklets, 7 produce leaflets and 21 produce typed sheets.

Only a handful go in for photographs — eg **Avon, Redbridge** and **Rotherham,** or drawings — eg **Cleveland, Clwyd, Derbyshire, Kirklees** and **Newcastle. Cleveland** and **Newcastle** also go in for charts or diagrams in attempts to make the procedures easier to follow. **Avon** has produced an attractive booklet on *Children with special educational needs* using photographs of children almost all being taught in separate provision. **Redbridge**'s glossy, 24-page large format booklet on *How we help children with special needs* also has photographs which concentrate on children in special schools. Visually, there is little to encourage parents about these LEAs' intention to integrate children. But in terms of producing attractive, readable material, they have done well. The drawings used by **Newcastle** and **Cleveland** are variable and sometimes add little apart from breaking up the text. **Clwyd** though has produced an exceptionally well designed booklet using children's drawings in colour.

Least successful, in terms of design and production, are the typed sheets. Too many are hard to read with insufficient sectioning of material to help parents through the various stages of assessment, statementing and appealing.

The value and quality of leaflets and booklets can be gauged by the amount of information they offer and the way that information is written and set out. Leaflets tend to contain less information — **Birmingham, Shropshire** and **Solihull** leave too many questions unanswered. But the leaflets produced by **Cheshire** and **Leicestershire** as *brief guides,* and the assessment rundown by **Derbyshire,** are more than adequate to give parents a fair idea of the procedures and their part in them. These latter leaflets indeed hold *more* useful information than some of the longer booklets produced by, for example, **Staffordshire** and **Havering.**

Several LEAs show that the best way of putting across information is by straightforward presentation. The booklets from, for example, **Berkshire, Buckinghamshire, Nottinghamshire, Wiltshire, Bexley, ILEA** and **Sheffield** are competently designed and printed, and easy to read. Some though, such as **Leeds,** could have improved on their booklets by providing more detailed information. For having produced a format that is easy to read, they fail to capitalise on it by giving as much detail of the procedures as they should. This is a fault in several other well-produced publications, such as **Redbridge** and **Clwyd.**

Twelve LEAs use the question-and-answer format for all or part of their booklets and leaflets. The success of this obviously depends on the questions the LEAs ask on behalf of parents — and the answers they give. Most of the questions turn out to be along similar lines, enabling an LEA to explain procedure and policy on assessment, statementing and appealing, and the limits of parental involvement.

Birmingham and **Shropshire** ask much the same pertinent, if brief — and briefly answered — questions. It is interesting to compare the questions they put in different ways. For example, **Birmingham** expects its parents to ask: 'Do I see the proposed Statement before it is finalised?'. But **Shropshire** reckons its parents are blunter: 'When do I get to see this statement?'. Another **Birmingham** question is: 'Will it ever be possible to re-assess his needs or placement?'; **Shropshire** puts is as: 'What if my child's needs change?'.

Leicestershire raises some potentially controversial questions, such as: 'Will the statement be confidential?' and 'Will our child be the odd one out at our local school?'. **Wiltshire** poses the question: 'Can I insist that my child goes to an ordinary Primary or Secondary School rather than a special school?'. Asking — and answering — awkward questions does give an LEA the opportunity to make its policy clear right at the start. Parents may, though, be more reluctant to raise particular issues if they read what the LEA response is likely to be. However, those LEAs that do bring up sensitive issues are to be applauded — and parents should perhaps take

it as an initial sign of an accommodating rather than an obstructive LEA. **Northamptonshire** makes the most extensive and successful use of this format with what at times becomes a quick-fire exchange between 'parent' and LEA through the assessment and appeal procedures.

Overall, the question-and-answer format is a useful way of breaking up a considerable amount of detail about the procedures. Yet even well-intentioned LEAs make some fundamental mistakes. For example, **Brent** is trying hard both to inform and re-assure parents in its Guidelines booklet. But the small, computer-style print, the lack of proper editing, the over-emphasis on how much the LEA wants to be seen to be on the parents' side and the omission of some key aspects of the procedures, make for a disappointing publication. **Brent** should check out **Rotherham**'s printed guide, designed by the local college of arts and technology, with its large print, well laid out sections and more comprehensive detail.

Clwyd uses children's drawings in colour and with different coloured paper for the various sections of the book. It is well set out, on good quality paper with a ring spine — initially, at least, a pleasing document to pick up. Unfortunately, it provides too little detail about assessment, statementing and appeals to be wholly successful.

Newcastle has adopted a dual approach. The left-hand pages of its handbook for parents give a 'snapshot' of the procedures being followed; the right-hand the detail. This can become confusing and sometimes the left-hand page seems redundant. It also uses up a great deal of space which could have been used for some of the detail Newcastle leaves out. The text is also interspersed with cartoon-like illustrations of varying quality and relevance — and the cover illustration with its two, literally, faceless parents gives an unintentionally sinister introduction to what is, with all its faults, a commendable publication.

The other key aspect of these LEA publications for parents is the language used. The extracts quoted in the following sections of this survey report will give a fair idea of the considerable variation in style and words and phrases used. Several LEAs, such as **Bexley** and **Buckinghamshire,** employ formal language and style which distance the LEA from the parents. For example, although aimed specifically at parents their booklets talk of them in the third person. **Bexley** says:

> 'If the Authority considers that the child may have special educational needs for which the Authority should determine the special provision to be made, a letter will be sent to the parents advising them of a proposal to make an assessment of the child's needs. The Authority will tell parents of the procedure to be adopted. . .'

Buckinghamshire distances itself from parents in the opening paragraph of its booklet:

> 'The purpose of this booklet is to give parents general information about special educational provision in Buckinghamshire, including the arrangements made for children's special educational needs to be identified and assessed. New arrangements took effect during 1983 to comply with the Education Acts 1980 and 1981 and this booklet contains information which the County Council are required to publish in connection with special educational provision.'

What can be said in favour of this style is that it at least gets information across. And it is better than, say, **Suffolk**'s lazy and uninvolved style:

> 'At an appropriate stage, and possibly at regular intervals, a full assessment will be carried out jointly by the professional staff involved, which will lead to a recommendation to the Education Authority about the best way of meeting the child's special educational needs.'

Introductions are important in setting the scene for parents — usually it is a first indication of what kind of LEA they are having to deal with. Some fail to live up to the promise of the introduction. **Cleveland**'s introduction is considerably more amicable than **Buckinghamshire**'s (quoted above), but it fails to maintain the positive attitude of the introduction through the booklet:

> 'We believe YOU are the most important helper your child has. Doctors, teachers and psychologists may be experts in child development but you know your own child better than anyone. You may not have had any special training but you can tell when things are not right. So if you have any worries it is important to get advice straight away.'

Clwyd, too, opens positively:

> 'The publication of this booklet is prompted by the new educational legislation on children with special needs and it is hoped that the information given will be helpful and provide speedy answers to problems and help overcome difficulties.'

Hereford and Worcester is less welcoming to parental involvement:

> 'The 1981 Education Act came into force from 1st April, 1983. The Act requires the Education Authority to keep parents fully informed and involved when it may be necessary for the Authority to assess the special educational needs of a child who finds learning particularly difficult or who has some disability which either prevents or hinders the child from making use of educational facilities of a kind generally provided in an ordinary school. The process of contact with parents and assessment of the child is in stages as follows. . .'

The mistake of relying on official language is highlighted by those authorities which have taken the trouble to use language that is clear, concise, accessible and unpatronising. **Lincolnshire** and **Leicestershire** both make good use of such language. And one of the most competent booklets — in terms of design, production and language — is **Northamptonshire**'s. It is straightforward, informative, unpretentious and not over-ambitious. There are though still some gaps.

Thus, an attractive, well-designed or copiously illustrated booklet or leaflet does not necessarily mean it is also well-written or that it provides a comprehensive, or even adequate, rundown for parents. It is certainly important that material should be well-designed (though not 'over-designed'), attractive to pick up in the first place, easy to read visually, logically set out and in jargon-free, everyday but not patronising language. Technical terms should not be avoided since parents will soon

encounter them once they start on the assessment and statementing procedures. They should, though, be explained.

Unfortunately, too many local authorities seem to assume that because material is aimed at parents — many inevitably with little detailed knowledge of the procedures, attitudes or professional language of the special needs field and of local authority bureaucracy — it must be as simple and as bland as possible.

What is encouraging is that a large minority of authorities have made serious attempts to understand and provide specifically for parents' need for information and explanation in particular ways. There seems little point in merely reproducing — as some LEAs have done — material as if it was an official committee document or in language similar to a legal or legislative document. Parents, if they want, can buy or borrow a copy of the 1981 Act for themselves. The local authority's task is to interpret the law and the recommendations and the procedures for parents and others — officials and teachers would no doubt appreciate such lay interpretation.□

General principles and duties

Setting the procedures in context

Half the local authorities surveyed do not give parents a proper background to the assessment of, and provision for, special educational needs. Those which do, describe what the 1981 Act is all about and how it affects the education of children with special needs. They set out what is meant by special educational needs and learning difficulties and what may cause them.

Northamptonshire is one authority which usefully sets the procedures in their proper context. For example, its booklet starts off with the following introduction:

"The Education Act (Children with Special Educational Needs) was passed in 1981 and became law from April 1983. Like many Acts of Parliament it is complicated and it is hoped this booklet will help you to understand how it might affect your child. The Act has two major parts to it.
The first part says how schools should assess and meet the special needs of all its pupils, and the second part says how the Local Education Authority (LEA or Education Department) must assess and meet the special needs of pupils, when these needs are not being met fully by the school.
This booklet will explain how the school and the LEA assess the special needs of pupils and what steps are taken to make sure you are involved at every stage."

Hampshire, too, explains briefly and succinctly what the Act is about, what special needs are, and boils matters down to the need to answer two key questions:

"In coming to a decision about the children who require help, two questions have to be asked:
1. Has the child special needs or not?
2. Can these needs be met in the ordinary school?
The 1981 Education Act has established the necessary procedures to help us to answer both questions."

In contrast, some LEAs risk discouraging parents from the start by emphasising how complicated the procedures are or by distancing themselves from any responsibility (some suggest blame) for setting up these procedures in the first place. For example, **Buckinghamshire** says:

"It is recognised that the procedures explained in this booklet may seem rather complicated. However, as the Authority is legally required to carry out these procedures it is difficult to further simplify them."

(Compare that with the more positive approach above by **Northamptonshire** to the complications of the Act.)

Hereford and Worcester apologises at the end of a straightforward rundown of the procedures:

"I am sorry that the procedures described in these

notes for information are so complicated. I have tried to describe them as clearly as possible. There are six important points for you to remember. All of these procedures are laid down by the 1981 Education Act, not by the Hereford and Worcester Education Authority.

Both **Hounslow** and **Derbyshire** refer to the Act's requirements 'inevitably' making 'the procedure somewhat cumbersome and time consuming'. **Sandwell** merely states that:

> The LEA follows the regulations of the DES for assessing the needs of children who appear to require any form of special education.

Setting out LEAs' duties

Many local authorities are reluctant to spell out their duties over assessing and providing for special needs. They ignore them in the material and some give the impression that the new arrangements are due to an LEA decision rather than based on any legal requirement or official guidelines. Others defensively take a low-key approach saying 'we've always done it like this, so why the fuss?'

It is Section 2 of the 1981 Act which sets out LEAs' main duties: that they should secure appropriate provision for children with special educational needs; that they should ensure such children are educated in an ordinary school so long as parents' wishes have been taken into account and that this is compatible with providing what a child needs, ensuring efficient education for the other children in the school, and with the efficient use of resources; and thirdly that LEAs keep under review arrangements for special educational provision. But only a minority of authorities surveyed refer explicitly to these duties:

46%	refer to the duty to secure provision (30 LEAs)
26%	refer to the need to keep provision under review (17 LEAs)
11%	refer to the duty to integrate children with special educational needs into ordinary schools (7 LEAs)

When it comes to spelling out *parents'* duties, only four LEAs do so explicitly. All four — **Ealing, Buckinghamshire, Hereford and Worcester** and **Surrey** — focus on the legal requirement to ensure a child turns up for the examinations which are part of the assessment procedure.

Ealing warns parents of the risk of prosecution and a £50 fine and then, ironically, suggests that LEA and parents should work together as a partnership.

It is, however, emphasised that the Authority is anxious to proceed with the full agreement of parents, wherever possible, and that such action would only be contemplated as a last resort and in the interests of the child.

Ealing certainly has some difficulty in striking the right note with its potential partners — putting the stick before the carrot. For example:

> The Act gives the Authority the power to require the co-operation of parents in the assessment, but also gives parents the right to be consulted at all stages concerning their views on the needs of their children.

What LEAs say about integration

Only seven local authorities specifically relate their policy about where children with special educational needs are to be educated to what the Act itself says about an LEA's duty to integrate such children into ordinary schools. These are **Leicestershire, Northamptonshire, Suffolk, Wiltshire, Bradford, Newcastle** and **Wirral.**

A further 31 LEAs indicate what their policy is, without referring to the Act; and 27 say nothing at all about integrating children with special needs into ordinary schools.

	refer to Act	only state own policy	no policy on integration
E & W counties	4	14	9
Metros	3	8	11
Gtr London	0	9	7
	7	31	27
	11%	47%	42%

Northamptonshire says: 'The 1981 Education Act states quite clearly that most special needs will be assessed and met within your child's own school.' But later on in its booklet, the LEA adds: '*Whenever possible* the LEA should ensure your child's needs are met in a mainstream school.'

Leicestershire says: 'The 1981 Education Act . . . introduced a number . . . of important changes . . . Children with special educational needs are educated in ordinary schools wherever possible.' In its question-and-answer section, it asks on behalf of parents: 'Will my child need to attend a Special School?' The answer is:

> Possibly. The answer depends entirely upon local circumstances and your child's specific individual needs. Special schools will continue to provide a service for children with particularly severe or complicated learning, emotional or physical difficulties. However, more children are likely to have their special educational needs met in ordinary schools and of those who do attend a special school, more are likely to stay for a limited period and return (with appropriate support) once they begin to make satisfactory progress.

It also poses another parental question: 'Will our child be the odd one out at our local school?' This time the answer is:

> Not necessarily. Your concern about this is understandable but many parents throughout the country have found that children with really acute special educational needs have fitted into ordinary school, so the more unremarkable will such event children and teachers by close liaison and involvement with parents can pay rich dividends. Other children can benefit from such contacts and as more children with disabilities pass through ordinary school, so the more unremarkable will such event become.

This is probably the longest reference to the issue of integration among all the literature issued for parents by LEAs.

Wirral puts the issue in a different way:

❝Such judgments about the use of resources will need to be very sensitively made but it is an overriding principle of the Act, as it has been with the Wirral Authority since its inception, that children should be educated in ordinary schools if at all possible.❞

In answering the posed question (again on behalf of the theoretical parent): 'Can I insist that my child goes to an ordinary primary or secondary school rather than a special school?' **Wiltshire** cannot bring itself to say no:

❝The Authority will only suggest a special school if they think it is the best place to meet your child's needs. The Act says a child with special educational needs must be educated in an ordinary primary or secondary school if (1) the parents so wish (2) he or she can receive the education needed there (3) it would not adversely affect the education of the other children in the school (4) it is an efficient use of the Authority's funds and other resources. The Authority will, therefore, always look first to see if the special education can be provided within an ordinary school, and only if they think it cannot will they suggest a special school.❞

Bradford tackles it from the other end:

❝Not all children will need to attend a special school. Where special provision can be made, your child may be catered for in his, or her, ordinary school.❞

The advantage for parents of having the Act quoted is that they are in a stronger position to negotiate for the sort of provision they want for their child — even though LEAs do also quote the let-out clauses. A few also add the need to take account of parents' wishes as well at this point; most do not.

Almost half the LEAs have a form of words which suggests, rightly or wrongly, that it is LEA policy to do its best to educate children in ordinary schools. For example:
'in most cases' — **Gwynedd, Birmingham**
'as far as possible/wherever possible' — **Mid Glamorgan, Surrey, Oxfordshire, Berkshire, Bolton, Trafford**
'The LEA will arrange . . . wherever appropriate' — **Bexley**
'all reasonable efforts are made' — **Havering**

Brent offers an inconsistent policy to parents. At one point in its *Guidelines for Parents*, the LEA says: 'There is no danger that your child will be "labelled" as children will from now on only be classified as having "Special Needs" whatever their learning difficulty or disability. Nor need there be any fear that your child will be placed somewhere without consent.' But later it prints the more usual: 'It is the intention of the Local Education Authority to integrate children with special needs *as far as possible* in mainstream education . . .'.

Hereford and Worcester has an unfortunate turn of phrase:

❝If that is what you want, the Hereford and Worcester Education Authority will try to arrange for your child to be educated in an ordinary school. This can only be done, however, if his educational needs can be fully met in an ordinary school, if the education of other children in the school is not likely to be adversely affected and if the cost of making the necessary arrangements in the ordinary school is not too high.❞

This sounds too much like 'Don't call us . . . we'll call you'.

But a positive statement on integration, however guarded or hedged around, is better than the passive reiteration of the *status quo*. For example, **Kent** says:

❝Many children with special educational needs are educated at normal primary and secondary schools, some of which have special facilities such as units for the hearing impaired. Some children with special educational needs, however, require the environment and support of a special school; the type of provision will vary according to the needs of the children.❞

Sandwell says much the same:

❝Special education is provided either by giving support in an ordinary primary and secondary school using the facilities described, or by arranging for the child to attend a special school or unit, all of which have smaller classes than a normal school and teachers with experience of helping children with special needs.❞

Rotherham's well-produced booklet for parents on special education says:

❝. . . for a significant number of children with special educational needs, the Authority has established Special Schools where specialist teaching staff and equipment can be brought together to help in the education of children with broadly similar needs.❞

Many LEAs assume that the existing (approximately) two per cent of children diagnosed as having disabilities under the terms of the 1944 Education Act will remain in special schools. The new 1981 Act's emphasis on 'integration' is not seen as part of future thinking for this two per cent. For example, **Hampshire** says in its material for parents:

❝In keeping with the past view of 'special education', only some 2% of pupils may need to be educated in 'special schools'. The rest will have their needs catered for in the ordinary school.❞

But in a second document issued for parents at the same time, **Hampshire** does seem more integration-minded:

❝About 20 in every 100 children will have special educational needs of some degree at some time. Out of those 20 children it is likely that 18 of them will be able to have their needs met in the ordinary school. This will entail extra help being given for the problems they have.
We should like to see all children educated together in the same schools and we hope to move sensibly, and therefore gradually, towards that end.❞

The reference to the 'two per cent' merely reiterates the DES Circular 8/81 and its paragraph on the identification of children with special educational needs. What is missing from many LEAs' literature is any linked reference to the encouragement of integration of at least some of those two per cent of children. Others do nothing to dispel the suggestion that more than the two per cent will still find themselves in special schools.

A partnership with parents

The Warnock report argued strongly that 'the successful education of children with special educational needs is dependent upon the full involvement of their parents: indeed, unless the

parents are seen as equal partners in the educational process the purpose of our report will be frustrated'. (*Special educational needs:* report of the committee of enquiry into the education of handicapped children and young people, HMSO, 1978, page 150.)

This concept of parents as partners — though perhaps not as equals — has been carried through into both the 1981 Act and the two accompanying DES Circulars. For example, in Circular 1/83 local education authorities are advised:

> 'In looking at the child as a whole person, the involvement of the child's parent is essential. Assessment should be seen as a partnership between teachers, other professionals, and parents, in a joint endeavour to discover and understand the nature of the difficulties and needs of individual children.'

However, in the material provided by LEAs for parents, only nine (14%) specifically refer to the concept of partnership — and that mainly in passing. They are **Avon, Hampshire, Northamptonshire, Wiltshire,** the **ILEA, Waltham Forest, Birmingham, Sheffield** and **Newcastle.** Of more practical concern, perhaps, only a third (22) tell parents that they have the right to be fully consulted and to receive all relevant information. Too often, LEAs present the fact that they will closely involve parents and provide them with information as a consequence of their own generosity of spirit rather than as a legal requirement.

Involving children and young people

Every LEA surveyed — except one — fails to refer to the need to take account of the feelings and perceptions of the child as they are recommended to do by DES Circular 1/83. That exception is **Wiltshire.** But even this LEA is more negative than positive about taking their feelings into account:

> 'The Authority is not bound to do so but its advisers, such as the school doctor and the Educational Psychologist, would normally be expected to refer to a child's own views in their report, particularly in the case of an older child. The parents can include their child's views with their own if they send them in for the assessment. The views of an older child would be taken into account as far as possible when choosing a particular school.'

The Circular goes on to say that 'the concept of partnership should wherever possible be extended to older children and young persons' No LEA mentions this.

Only 10 authorities give any indication that the Act's provisions relate to young people up to 19 if they are still at school, and that procedures are available which should seek to cater for them.

Confidentiality

Regulations issued by the Secretary of State for assessing and agreeing a formal statement of special needs give parents some rights of confidentiality over that statement. Regulation 11 states: '. . . a statement in respect of a child shall not be disclosed without the parent's consent. . .'. There is, however, a list of exceptions — if the LEA considers disclosure is in a child's educational interests; if there is an appeal; if there is a local ombudsman's investigation for maladministration; for the purposes of educational research; or if a court orders disclosure.

Only five LEAs (8%) refer in their material to the issue of confidentiality: **Buckinghamshire, Hereford and Worcester, Leicestershire, Newcastle** and **Sheffield.** But what they say is not always particularly helpful or accurate. **Buckinghamshire** says:

> 'Statements (and all the accompanying reports and evidence) will be held so that no unauthorised person can see them. The Statements will not be made available to anyone without the consent of the child's parent, except in the educational interests of the child.'

Leicestershire explains in question/answer format that 'Yes' the Statement will be confidential — adding:

> 'The 1981 Education Act specifies that without your consent the Statement should not be disclosed to anyone other than your child's teachers or the professional who originally contributed to it. The one exception is for authorised government research purposes. It is worth underlining the fact that this is the first time that parents have been provided with *full* copies of the reports on their own children.'

Sheffield offers a slightly wider opportunity for disclosure by stating that 'any information about this assessment will only be seen by professionals with a direct interest in your child's education'.

However, all **Hereford and Worcester** says — somewhat ambiguously — is that 'all of the above reports will be sent to the Education Authority under confidential cover' and omits any reference to the parent's right to confidentiality.

Newcastle declares emphatically (in bold capitals) to parents that, apart from parents, heads and those doing the assessing, 'no one else will get a copy without your consent'. But it does not mention the exceptions — unless **Newcastle** has decided to give additional protection to parents and children.□

Assessing special educational needs

The 1981 Act and the accompanying Regulations set out the formal statutory procedures for LEAs to assess special needs. We checked the material issued to parents by LEAs to see how much information is given to them at the start of assessment procedures.

Only five LEAs give what can be regarded as a comprehensive rundown of the whole process. The majority give only a very generalised description or leave out substantial sequences — particularly parents' rights of appeal. The most common pattern is to provide the parents with 'staggered' information by a series of letters. They are not told what happens in subsequent stages until the current stage is over. However, more authorities than not, do make the point — either explicitly or through a detailed run-through of preliminaries before the formal assessment — that the formal notice should certainly not be the first indication to parents that a child has learning difficulties or is likely to need some form of special provision.

But on one crucial 'starting-point' issue for parents, LEAs are a dismal failure. Only one — **Wolverhampton** — states that advice is available in languages other than English, as recommended by section 6 of the DES Circular 1/83. And, apart from **Gwynedd,** no LEA provided examples of material which was in a language other than English. In a section on how to make comments during the formal assessment, **Northamptonshire** says: 'Parents of ethnic groups for whom the English Language is not their first language should consider bringing in a translator who also knows about the cultural background of your child.'

Almost one LEA in three of those surveyed fail to set down the basic steps for proposing, agreeing and carrying out a formal assessment of a child. Of the 70% which do, some do so in a highly detailed way; others leave out key elements. For example, only 48% refer to parents' right to request an assessment themselves; 58% mention the period of 29 days during which parents can comment on the LEA's proposal to make an assessment; only 52% spell out parents' right of appeal if the LEA decides not to proceed with a statement of needs after an assessment.

The majority of parents are expected to get to grips as they go along with the procedures, rights and obligations which comprise the new deal for assessing and providing for special educational needs. There is a strong element of do-it-yourself in an area of the education service that has traditionally excluded parental involvement and contribution.

They do not have matters set out for them at the start — at least not by their local authority. If parents are in a 'partnership' with teachers, other professionals and the LEA in the process of assessing and providing for special needs, it is the LEA which remains in control, determining both the timing and the amount of information released to parents.

Parents' right to request an assessment

Over half the LEAs fail to mention that parents have a right to request a formal assessment themselves and that LEAs should comply unless the request 'is in their opinion unreasonable' (Section 9 of the 1981 Act). Of the 48% that do, only a third make clear it *is* a parental right. Most phrase it as an invitation or indicate obliquely that parents can or do make a request. Some omit to say that an LEA can turn the request down if considered to be unreasonable.

Bromley says straightforwardly:

'The Authority has a duty to arrange an assessment of a child who has no Statement if it is requested to do so by the parents, unless it regards the request as 'unreasonable'.'

Enfield, on the other hand, states:

'This assessment may be asked for by the child's present Headteacher, by an Educational Psychologist or a Medical Officer, or by the child's parents.'

Havering:

'This (an assessment) may have been suggested by your child's school or perhaps, if your child is under school age, by a doctor. It may of course be that you have asked for the assessment yourself.'

Oldham is off-putting:

'Although you, as the parent, may ask for a formal assessment, the Authority will only agree to this if it is satisfied that everything possible has been done to educate your child in the primary or secondary school.'

Almost all the metropolitan and county authorities which refer to the parental request for assessment do so in terms of 'may ask' rather than stating it as a right. The variations include:

Derbyshire

'A full assessment under the 1981 Education Act may be carried out following a request from parents or when a child with special needs has been identified by his or her school, pre-school teacher or doctor.'

Wiltshire

'Can I ask for my child's special educational needs to be assessed?
Yes — at any time and at any age, including pre-school, by writing to the Chief Education Officer . . . The Authority will generally agree to a request for an assessment from a parent, unless it is clearly unreasonable.'

Nottinghamshire

'Parents may request a formal assessment of their child by approaching the Head Teacher or the Senior Educational Psychologist for the District.'

North Yorkshire

"This step, which is known as referral, may be taken by parents themselves, or by one of a number of people who know the child well and have discussed the matter with you."

Northamptonshire

"The most important thing to remember is that the LEA must consider making an assessment if it has been told by anyone (parent, teacher, doctor, social worker, etc) that your child has a learning difficulty which they consider cannot be met fully by your child's present school."

(and later)

"If your request is reasonable, you can ask for your child to be reassessed at any time."

Unlike LEAs such as **Nottinghamshire** and **Wiltshire,** some do not go on to tell parents how to make a request or whom to contact.

Mid Glamorgan in a question-and-answer section puts it succinctly, if with emphasis:

"Can I insist on an assessment for my child? Yes, provided he is over two years old, and the Authority does not consider the request completely unjustified."

The 29 day rule

When an LEA decides to make an assessment it must, under Section 5 of the 1981 Act, tell parents in writing and give its reasons for wanting to make an assessment. It must also inform parents of their 'right to make representations, and submit written evidence, to the authority within such period (which shall not be less than 29 days beginning with the date on which the notice is served) as may be specified in the notice'. (section 5(3)(d))

Only 58% of LEAs surveyed explain this in their literature to parents. Considerably fewer give adequate advice on how to go about making representations and compiling and submitting evidence.

The majority of these LEAs hold to the period of 29 days outlined in the Act. Some, such as **Cheshire, Leicestershire, Shropshire, Knowsley** and **Liverpool,** give 4 weeks. **Bolton** and **Enfield** give 30 days, **Ealing** 31, **Trafford** 32 and **Bradford** 35.

Oldham merely refers to 'a reasonable length of time is given for your reply'. **South Glamorgan** makes no mention of a time limit.

Bexley, somewhat unfortunately, says it 'will . . . allow parents to comment and submit written information within a period of 29 days'.

Kent states in its *Guidance leaflet for parents:*

"Before a final decision is taken, parents . . . are given the opportunity to put forward any views they might have and to object if they so wish, to the assessment taking place. Twenty-nine days after this letter has been sent a decision will be taken on whether or not to go ahead with an assessment . . ."

In a quesion-and-answer section of **Northamptonshire**'s handbook for parents, the following helpful exchange occurs:

"WHAT HAPPENS WHEN EVERYONE AGREES THAT THE CHILD HAS LEARNING DIFFICULTIES?

Then the parents get a letter from the County Education Officer, Special Education Section, giving details of what will happen next. This explains who will be involved in giving advice. It asks the parents how they feel about it and asks them to reply within 29 days.

WHY 29 DAYS?

This is to give parents time to think carefully, to ask questions etc.

WHAT IF WE WRITE BACK STRAIGHT AWAY TO SAVE TIME?

Legally no formal assessment can begin until 29 days are up, but an early reply will help."

Getting help

The 1981 Act identifies two points at which LEAs should give parents the name of someone who can advise them — when a formal assessment notice is served (a named officer) and when a final statement is made (a named person).

Section 5 (3) (c) states that a child's parent should be given 'the name of the officer of the authority from whom further information may be obtained'. However, only half the LEAs refer specifically to this. Most do so in words similar to the Act. For example, **Lincolnshire** explains that:

"The first letter from the Divisional Education Officer will also give the name of an officer of the Authority whom parents may contact at any stage in the procedure either for further information or for discussion to resolve any difficulty or concern they may have."

Derbyshire has an identical form of words. **Humberside** says:

"Parents will be given the name of an officer to whom they may apply for information or advice or to ensure that their views are made known and fully understood at any time throughout the assessment procedures."

Other examples include **Havering**:

"The letter will also give you the name of the person in the Education Department who will have full details about the arrangements for assessing your child's needs. This is the person you should contact with any information you wish to give. You can do this in writing, by telephoning, or by making an appointment to come to Mercury House."

Gwynedd:

"When you are notified of the LEA's intention to assess your child you will also be given the name of an LEA officer from whom you can obtain further information and the name of any voluntary organisation which may be able to help you."

Cheshire, Knowsley and **Liverpool** also add the contact of an appropriate voluntary agency.

Cleveland gives:

"the name of the Authority's officer, who can give you more information and who can discuss with you your own important part in the assessment."

Wirral:

"Throughout the assessment procedure an Officer of

the Authority will be available to answer parental enquiries, not only about the procedure, but about the opportunities and possibilities for the future education of the child.'

Berkshire refers parents to the Assistant Education Officer for Special Education, **Leicestershire** to the Educational Psychologist; **North Yorkshire** to the Senior Education Welfare Officer; and **Enfield** to 'someone in the education department'. **Bromley** merely says: 'Guidance . . . can be obtained from the child's Headteacher, the Educational Psychologist concerned, or the Education Department.' **Hereford and Worcester** states that: 'An officer will help you to put your comments in writing if help is needed.' **Clwyd** and **Rochdale** offer a named officer (sic) only when the draft statement is issued.

Ealing has a slight variation on the usual arrangement:

'If parents wish for help in making their representations, it is open to them to ask for the assistance of voluntary organisations. Alternatively, if they wish to make their representations to the Authority by word of mouth they should contact the officer named in the letter.'

In practice, some LEAs deliver the formal notice of assessment by hand to the parents — by, for example, an education social worker or education welfare officer. **Salford** and **Wirral,** the **ILEA** and **Newcastle** all do this. The first two mention this in their material for parents, but **Newcastle** only refers to it in a diagram of the procedure for assessment ('Education social worker calls to see you. You return the PARENT'S VIEWS form.') and the **ILEA** does not mention it at all.

Leicestershire goes further than most LEAs in suggesting what parents can submit:

'Parents are also asked to give their views in writing, or verbally if they prefer. They are provided with as much assistance or clarification of the assessment procedure as they want, and can also submit any independent evidence or reports that they might have.'

Barking and **Northamptonshire** both provide parents with a set of guidelines for parental representations to the assessment procedure devised by a small group set up by Her Majesty's Inspectorate (the HMI). **Northamptonshire** has a detailed four-page section on *Advice to parents on preparing their views and evidence* in its 32-page handbook for parents on children with special educational needs and the 1981 Education Act.

Parents' right to attend a child's examinations

Most LEAs are unforthcoming — and sometimes misleading — about parents' right to attend examinations of their child during the assessment. The Act states:

'The parent of a child examined . . . shall be entitled to be present at the examination if he so desires.'

The parent must also be informed by the LEA of this right of attendance. The DES Circular 1/83 (section IV paragraph 36) elaborates on and restricts this basic right:

'The Act gives the child's parent the right to be present at examinations carried out for the purpose of paragraph 2 of Part 1 of Schedule 1 of the Act. This right does not extend to assessment by observation over a period of time in the classroom or other setting. Some forms of psychological testing may need to be carried out without the presence of observers, including parents. However, it will be part of the process of maintaining good relations with parents for all professionals to involve them in the process of assessment, even where some part of the assessment is undertaken in privacy or by observation.'

LEAs interpret this in different ways. Two-thirds of those referring to the question of parental attendance at examinations state it as a right, often with no limitation. (This, however, may not be the case in reality and an LEA may well adhere to the restriction on, for example, psychological testing outlined in the Circular.)

Bolton says:

'You will be sent details of any interviews or examinations that are arranged and will have a right to attend.'

Leeds' Parents' Guide is similar:

'You will receive notice of any proposed examination of your child and you will have a right to be present and to submit information at the examination. It is essential that parents should ensure that their children attend for examination.'

Berkshire refers to potential difficulties in a positive way:

'You have a right to be present at any assessment examinations if you so wish. Sometimes this is not a good idea (eg it might be distracting to a child being tested by a psychologist), at other times your presence will be essential to the conduct of the examination (eg with very young children). Whether you are present at the actual examintion or not you may wish to discuss the outcome with the person conducting it.'

Wiltshire:

'You will be able to attend any examinations or interviews your child may have, though if a doctor or Educational Psychologist asks you not to be present because it would interfere with what they wish to do, we hope you will agree to this. There will always be an opportunity to talk with the doctor or the Educational Psychologist afterwards.'

North Yorkshire says:

'You will nearly always be able to stay with your child during the examinations or interviews. If the professional (doctor, teacher or educational psychologist) thinks it would be helpful for you not to stay with your child, this will be discussed with you.'

Ealing is more firm:

'Parents can attend any examination of their child and will, as far as possible, be included in the process of assessment. However, some forms of psychological testing will need to be carried out without the presence of observers, including parents.'

Most other references are short and to the

point, ranging from **Humberside:**

‘If a child is to be interviewed as part of this assessment parents have the right to be present.’

Hertfordshire:

‘You will have the opportunity to attend at such interviews.’

Kent:

‘. . . parents are entitled to be present at the examination/assessment.’

Mid Glamorgan:

‘You have the right to be present at these tests and examinations, and you will receive an invitation to be present.’

to the less inviting **Rotherham:**

‘. . . parents will usually be invited to be present.’

the curt **Nottinghamshire:**

‘This requires educational, medical and psychological examinations at which parents are expected to be present.’

the ambiguous **West Sussex:**

‘Parents will be consulted at these examinations and assessments.’

Sheffield separates medical/nursing advice (‘You will be asked to make sure that your child attends any interview or medical examination. You will be invited to be present during the examination.’) from educational advice (‘You will be involved in the preparation of this advice’) and psychological advice (‘It may not be possible for you to be present for the whole of this assessment, but the educational psychologist will be pleased to explain the nature of these observations to you’).

Bromley declares, but without spelling out details:

‘Under the 1981 Act, the parent is entitled to be present at parts of the assessment.’

Lincolnshire seems to want it both ways — setting out the right and then apparently taking it away:

‘Parents must present their child for any interview related to the assessment and they are entitled to be present throughout if they wish. There are, however, some assessment procedures where the presence of the child’s parent can affect the results of the assessment or where the presence of the parent is impracticable. In such cases it is in the child’s interest that the parents consider fully any advice offered by the person conducting the assessment before asking to be present.’ □

The statement of special educational needs

The statement of special educational needs on a child is at the core of the new procedures under the 1981 Act. Section 7 of the Act 'places LEAs under a duty to arrange special educational provision in accordance with the statement'. Several LEAs refer to such a statement being a safeguard for a child or quote the phrase from DES Circular 1/83 that children receive 'the protection of a statement'. And one LEA, **Oldham,** goes so far as to advise parents that a statement is a legal document and should be kept in a safe place.

Over three-quarters of LEAs surveyed (77%) explain what a statement is, what is in it, *and* that parents receive a copy of it. Some explain only a part:

Explaining the statement	
what it is	82%
what is in it	80%
copy to go to parents	78%

Again, some three-quarters of the LEAs (77%) mention that parents will be able to discuss/comment on/be consulted about the draft statement. However, fewer than half of them (46%) go on to give any detail of the procedure, including the initial 15-day time limit. Fewer still (37%) provide a comprehensive rundown of the procedure between draft statement and agreeing a final statement according to the Act and its accompanying Circulars.

DES Circular 8/81, paragraph 15 states:

'If the LEA decide to make a statement, parents are to receive a draft of the proposed statement and at the same time should be informed of their right to make representations within a 15 day period and to ask for interviews. They have a right of interview with an officer of the LEA and subsequently, if they wish, with any person who gave advice as part of their child's assessment, or with some other person qualified to discuss such advice.'

Most LEAs are confident about describing what a statement is. For example, **Avon** answers the question perfectly adequately, although it stops short on later procedure:

'What is a 'Statement'?
The first part of a statement is a description of the child's special educational needs following an assessment made by all those professionally concerned with your child's educational progress. You will be asked if you wish to make a contribution to the statement. The other parts of the statement consist of a description of the facilities available to the County which can appropriately meet your child's special educational needs together with a conclusion about what is proposed should happen. All the reports are open to your inspection and before the statement becomes official you will be sent a draft copy. At that point you have the right to disagree with any part of it and can ask for discussion of its contents.
The Education Act 1981 requires all local education authorities to prepare statements on children with particular special educational needs.
The statement is a safeguard for your child and helps to ensure that his or her special educational needs are recognised. . .'

Cheshire asks, and answers, the same question:

'If the LEA decides that your child has special educational needs he or she will be given the protection of a formal statement. The statement will describe your child's abilities and learning difficulties and say how the LEA considers his or her special educational needs can best be met. The statement will include the actual reports submitted to the LEA by the professional officers who have assessed your child.'

Knowsley and **Liverpool** use the same text.

Describing the statement and its content is straightforward enough. But many LEAs come adrift when they try to explain to parents the procedures for discussion and negotiation between parents and LEA on the way to a final statement.

Some do well — though with some details missing:

Cheshire:

'If the LEA proposes to make a statement you will be sent a copy in draft. You will be given two weeks to object to the statement and given the name of a person from whom you can obtain further information. You can also ask to meet an appropriate LEA officer to discuss the statement and, following such a meeting, request further meetings with the professional officers who undertook the assessment and prepared the reports on which the statement was based. Once you have been given the opportunity to object, or make representations about the draft statement, the LEA will finalise the statement and send you a copy.'

Haringey:

'You will be given a copy of the proposed statement and accompanying advice and you will be given the opportunity to make representations about the content within 15 days.
During that period you may also ask for a meeting with an officer of the local education authority to discuss the proposed statement. Following such a meeting you can also ask within 15 days to meet any of the persons who gave information or advice in the preparation of the statement. If you wish to make further representations you may do so within 15 days of the last of the previously arranged meetings. . .'

Bexley, too, has little trouble describing the procedure:

'The Authority will provide parents with a copy of the proposed statement, and details of the arrangements for commenting if they disagree with all or part of it. Parents have 15 days in which to (a) make representations to the Authority about the statement; (b) require the authority to arrange a meeting with an officer to discuss it.
If the parents still disagree with any part of the assessment, they have a further 15 days from the date of the meeting with the Authority's officer in which to require the Authority to arrange further meetings which it considers will enable the parents to discuss the relevant advice with those who gave it or

any other appropriate person. The parents then have a final period of 15 days from the last meeting to make further representations.'

Lincolnshire sets out the confusing sequence of 15-day time limits more clearly:

'When a draft statement has been completed a copy will be sent to the parents. There will then be fifteen days for them to make any further comments about the statement. Alternatively, if before making any comments the parents would like more information, they may during that fifteen days ask for a meeting with the officer of the Authority directly concerned with the assessment whose name was given to them in an earlier letter. If this officer is unable to satisfy their concern they may request that arrangements be made for them to meet any or all of the people who took part in the assessment. The period of fifteen days for parents to make further comments then starts from the date of the last of these meetings.'

North Yorkshire puts is slightly differently at one stage:

'Meetings can continue to be arranged so long as it is thought to be helpful, and so long as you contact the Authority within 15 days of the last meeting.'

Oxfordshire is succinct:

'If a draft statement is prepared, you will be given a copy of this, with all the advice and information attached. You will have 15 days in which to comment on it.
During the 15 days, you can ask for a meeting with an Education Officer to discuss the draft statement. Following such a meeting you can also ask, within the next 15 days, to meet any of the people who gave information and advice during the preparation of the draft statement. You can make further comments during the 15 days following the last of these meetings.'

Both **Berkshire** and **Buckinghamshire** are more peremptory. **Berkshire** says:

'If you disagree with the DRAFT STATEMENT you must write to tell the Director of Education within 15 days of the date it was issued.
If you wish he will arrange for you to discuss the Statement with one of his officers. If you disagree with any part of what the Statement says about your child's needs you can then ask to see the person who gave the advice.
After these discussions have taken place and further consideration given to your child's statement of need and provision the Education Authority will send you the FINAL STATEMENT of the arrangements for your child.'

And **Buckinghamshire** says:

'Parents do not have to make representations or submit written evidence if they are in agreement with the Draft Statement. Those parents wishing to make representations or submit written evidence will need to do so within 15 days of receiving the Draft Statement.'

But neither is as bad as **Wolverhampton** in its booklet *Information for Parents about Special Education* with the advice on the cover 'Please read this document carefully and retain for future reference'. All that parents will find in it about this stage is:

'The draft statement will be forwarded to the parents for their comments before it is finally maintained by the Authority.'

In **Oldham**'s 'booklet' (it is really a leaflet) for parents on special educational needs, parents are told:

'When the Director has all this advice to hand he will draft a Statement, which will set out what he considers your child's special needs are, and how the Authority intends to meet them. Along with this draft Statement you will receive copies of the advice given to the Director from the various professionals involved. In this way you are actively involved in the important process of deciding on your child's future education. Providing you agree with the contents of the draft Statement the Director will send a formal copy of this Statement and make the necessary arrangements.'

However, from this booklet/leaflet it would seem that **Oldham** bypasses the negotiation process of 15-day sequences, for later it says:

'If you do not agree with the content of the draft Statement, you have the right of appeal to a Local Appeals Committee, and ultimately to the Secretary of State for Education and Science.'

This must be a case of bad drafting.

Rochdale states briefly:

'If the Authority propose to maintain a Statement with regard to your child, you will be sent a copy of the proposed Statement, together with copies of the reports made during the Assessment. You will at that time be given the name of a senior officer of the Education Department with whom you can discuss the Assessment and the proposed provision.'

In its 32-page hand-book for parents on the 1981 Act, **Newcastle** tries hard to show how important parental involvement is and makes a considerable effort to set out step-by-step guides and charts. But it leaves out important details and is sometimes confusing about the various stages, such as with statementing:

'If you do not agree with what the Statement says, (or if the Authority does not make a Statement, and you think they should), WHAT CAN YOU DO ABOUT IT?
There are several things you can do.
— First you can ask to see an Education Officer and tell him your views. He will listen to you and decide what to do next.
— If you do not agree with what the experts said about your child, the education officer will be willing to arrange a meeting for you with any one or more of them. After you have met them, the Statement may be changed or sent to you unchanged.'

Brent, too, in its admirable enthusiasm to emphasise the equal nature of the partnership with the LEA and parental rights, spoils it a bit by omitting crucial detail:

'When all the reports that are necessary have been collected a draft 'Statement' will be sent to you along with all the report advice, which will also offer your child the appropriate special provision, usually a special school or unit. You will by then have had an opportunity to visit the school mentioned.
If you are not entirely in agreement with this offer you may discuss it further with the Education Officer for Special Education or any of the professionals who have given their advice. Sometimes a meeting will have to be arranged so that any disagreements can be discussed. At the end of this process a 'Formal Statement' will be sent to you appropriately amended.
It is hoped that by following this procedure and taking

your views fully into account that few disagreements over the provision offered for your child will arise. If they do, however, you may appeal against the statement. Details of how you do this will be available from the Education Officer for Special Education at the Education Department offices.❜

Hereford and Worcester remains none too pleased with parents who raise questions:

❛When you receive these papers you are asked to reply within fifteen days.
You may reply simply to acknowledge that you have received the papers and accept them. In that case the Statement is regarded as final and the Education Authority will try to make the educational provision described in the Statement as quickly as possible.
Alternatively you may wish to make some comments or to ask some questions if you feel unhappy about some part of what has been written.
You can either make your comments in writing or ask to see the officer named in the letters you have received.
If, after seeing that officer, you are still unhappy about something written in one of the reports, you can ask to see the person who actually wrote that report and then discuss your anxiety with him.
If you do not respond to the draft statement within 15 days the Education Authority will assume that you fully accept the Statement.❜

West Sussex also has difficulty finding the right voice for the new partnership with parents. The Director of Education writes:

❛. . . I shall send you the proposed statement describing his/her special educational needs and the provision it is proposed to make for him/her, together with copies of the professional advice I have received. You will have an opportunity at this stage to discuss the content of the proposed statement, including the professional advice, with an officer of the Authority and/or professionals who prepared reports for me. I shall tell you what to do, should you wish to exercise this right, when I send you the proposed statement.❜

Cleveland is too vague about procedure in its ambiguously titled booklet *Your Special Child* and seems to want to keep parents guessing:

❛If the Authority's view is that they should decide to make some special educational provision for your child, they will make a formal statement of your child's special educational needs and of the provision they will make to meet those needs. Before such a formal statement is made, you will be given a copy of the proposed statement, so that you can make representations about it if you so wish.
After receiving any representations from you about the proposed statement, the Authority will then inform you of their decision about making the statement. It might be made unaltered. It might be altered in some way. It might not be made at all.❜

Nottinghamshire also underplays the parental right to negotiate over the form of the final statement:

❛A copy of the Statement which it is proposed to issue will be sent to the child's parents, so that they can read for themselves what it says. Any comments will be taken into account before the final version of the Statement is issued for the parents to keep.❜

Leicestershire in its admittedly brief *Brief Guide for Parents* just explains:

❛Before the Statement is finalised a draft copy (including all the professionals' reports) is sent to the parents for comment. If they wish to query any of the recommendations or reports the Director of Education must reconsider their views before the final version is written.❜

Shropshire in its question-and-answer leaflet (all but identical to Birmingham's) merely states in answer to the question from an apparently awkward Shropshire parent of 'When do I get to see this statement?':

❛You will receive a draft of the statement which will show all the advice which we have received. You will be invited to make any comments you wish on it and you may speak to a Senior Officer of this department about the contents of the statement or to the people who offered advice.❜

One of the poorest examples is from **Staffordshire.** Its six-page leaflet for parents about the Education Act 1981 is called, somewhat optimistically as it turns out, *Parents as Partners*. At times the language is unintentionally patronising. For example, it is content to use, without explanation, the phrase 'make representations' but feels that parents will not understand what 'provision' means. (It means 'help' says the leaflet.) Little surprise then that the leaflet fails fully to inform:

❛*What is a statement?*
If the L.E.A. decides, from the advice, that your child has special educational needs he/she will be given a *statement*. This statement will describe your child's abilities and learning difficulties and say how the L.E.A. think his/her special educational needs can best be met.
Not all children who are assessed have statements made about their needs. Often, it turns out that a child's problems are not as great as was first thought and he can perfectly well be helped by his own teachers. Then, a statement is not prepared. If this is thought to be the right action we shall write and tell you.
The statement will include the reports prepared by all the professional people who have seen your child. It will also include your views and any reports you wish to be added.
Your rights
You will be given a copy of the draft statement. If you agree with it and the provision (help) offered to your child the L.E.A. will confirm the statement and arrange the help as soon as possible. You have a right to discuss the provision suggested with an officer of the authority.❜

The provision in mind

The DES Circular 1/83 states that:

❛Formal procedures should be initiated where there are prima facie grounds to suggest that a child's needs are such as to require provision additional to, or otherwise different from, the facilities and resources generally available in ordinary schools in the area under normal arrangements.
The deciding factors in determining what constitutes additional or otherwise different provision are likely to vary from area to area depending on the range of provision normally available in an authority's schools. As a general rule, the Secretary of State expects LEAs to afford the protection of a statement to all children who have severe or complex learning difficulties which require the provision of extra resources in ordinary schools, and in all cases where the child is placed in a special unit attached to an ordinary school, a special school, a non-maintained special school or an independent school approved for the purpose.❜
(paragraphs 13 and 14)

However, many authorities seem to have assumed that formal assessment and statementing are for children on their way to separate provision in a special school or unit rather than providing extra resources or help in an ordinary school. Special provision seems too readily equated automatically with separate provision.

Part of the problem is that many LEAs include detailed information of their special schools along with information about the assessment procedures. The implication — often made explicit — is that these are the schools which children with statements will go to. Bradford makes a half-hearted attempt to move away from this basic assumption when it states: 'Not all children will need to attend a special school. Where special provision can be made, your child may be catered for in his, or her, ordinary school.'

Some LEAs are at pains to point out that assessment and statementing do not mean separate provision. For example, **Northamptonshire** says under a section titled *Some Important Points*:

❝By agreeing to an assessment it does not mean that you have agreed for your child to be placed in a special school or unit. Where your child will be given special help is only agreed after you have received a copy of the statement and have made known your views. Whenever possible the LEA should ensure your child's needs are met in a mainstream school.❞

Brent's *Guidelines for Parents* says about assessment:

❝This will not necessarily mean special school, especially not at the early stages. But it could mean that you as parents are offered guidance and advice on how best to help your child. You would also receive continuing support and understanding as your child develops and her/his needs change. Many children with difficulties given help early enough can manage ordinary schooling either by the time they reach school age or a little later and thus avoid the necessity of special school; but whether or not special education will eventually be needed, the earlier you can begin to help your child to progress the more progress she/he will make.❞

Reviewing and re-assessing

Only 46 per cent of LEAs mention in their literature to parents that a statement must be reviewed 'at least annually' and 38 per cent that children with statements must be re-assessed between 13½ and 14½ if the child has not been assessed since before 12½.

Knowsley states:

❝HOW OFTEN ARE STATEMENTS REVIEWED?
Annually, and the LEA will try to include your views in these reviews.
CAN MY CHILD'S NEEDS BE RE-ASSESSED?
You can ask for a re-assessment any reasonable time after the original assessment, and every child must be re-assessed between the age of 13½ and 14½ if he or she has not been re-assessed since before the age of 12½.❞

Rotherham:

❝If the parent agrees with the statement a regular review of a youngster's statement will be undertaken to ensure that the education provided continues to be the most appropriate. Parents may request a further assessment if, during their child's school life, they are satisfied that the education of their child as specified in the Statement is no longer appropriate. When a child's educational needs have not been assessed since before the child reached the age of 12 years and 6 months his needs will be reassessed at some time during the period of one year beginning with the day on which the child reaches the age of 13 years and 6 months.❞

Bolton says more briefly:

❝Where a Statement is made it will be reviewed every year. Full assessments may also be carried out from time to time by the Authority, and are required by the Education Act 1981 for every child between the ages of 13½ and 14½ who has not been assessed since before the age of 12½ years. You can also ask for a reassessment yourself any reasonable time after the original assessment.❞

In a section headed 'What happens next?', **Havering** says:

❝Once a 'Statement of Special Educational Needs' has been produced, arrangements will be made to meet the special provision that it describes. This is not a once and for all arrangement however, because everyone knows that your child's needs can change. Arrangements will therefore be made for the 'Statement' to be reviewed at least once a year and, when this happens, you will be asked for your opinion of the provision we are making. Furthermore, if at any time you want another full assessment to be carried out this can be arranged as long as reasonable time has passed (not usually less than 1 year) since the last one. A full reassessment also has to be carried out when your child is around 14 years of age unless of course it has been agreed before then that special provision is no longer needed.❞

This is a misleading interpretation by **Havering** of Section 9 of the Act which says that if parents request a re-assessment more than six months after the last one then the LEA shall comply unless it is satisfied it would be 'inappropriate'.

The named person

There is confusion among LEAs about the role of the 'named person' which Section 7 of the 1981 Act insists that LEAs must earmark for parents to go to for information and advice. This is a concept which has been carried over from the Warnock report — although not as well defined as in that report. Warnock saw it as 'a counsellor and advisor'. Section 7(9) states that when an LEA issues a draft statement it must give the parent a copy of the statement, written notice of the parental right of appeal, and:

❝notice in writing of the name of the person to whom he (the parent) may apply for information and advice about the child's special educational needs.❞

Circular 1/83 expands on this and emphasises when such a person should be 'introduced' to parents:

❝If, after the parent of the child has been given the opportunity to exercise his rights under paragraph 50, the LEA decide to make a statement, Section 7(9) of the Act requires them to send a copy to the parent, to inform him of his right of appeal under Section 8, and to give him the name of a person to whom he can

apply for information and advice about his child's special educational needs. The Act does not prescribe the identity of this person. The Secretary of State for Education and Science hopes that LEAs will ensure that the person or persons selected will have knowledge of the education service and be familiar with the kinds of difficulties experienced by children with special educational needs. It is also important that they should be able to establish good relations with parents.'

Only eighteen LEAs (28%) refer to a named person in relation to Section 7. However, this minority interpret the role in different ways. Some see that role as someone being on hand to deal specifically with queries arising out of the assessment and appeals processes; others as one that goes beyond the statementing process in a more long term arrangement of advising and counselling. There is little attempt to put across the concept that a named person can be a 'befriender' or helpful adviser who can act as a go-between for parents and LEA.

Clwyd states:

'You will be provided with a draft copy of this statement and an opportunity to discuss its implications with a named person in the Authority who is specialising in this area.'

Mid Glamorgan:

'When you receive the statement, the covering letter will give you the name of a person in the Education Department who will advise you about the Appeals Panel, and any other matters you wish to raise.'

Some LEAs confusingly consider the named person to be a named officer. For example, **Rochdale** says:

'If the Authority propose to maintain a Statement with regard to your child, you will be sent a copy of the proposed Statement, together with copies of the reports made during the Assessment. You will at that time be given the name of a senior officer of the Education Department with whom you can discuss the Assessment and the proposed provision.'

Northamptonshire:

'After your questions have been answered and if no changes are needed to the statement, the LEA will consider the provisional statement as final. If the LEA agrees to change parts of the provisional statement you will receive a revised copy. The letter sent to you at this point will give you the name of an officer of the LEA who can supply you with any further information and advice, and will also point out your right to appeal against the statement if you still do not agree with the provision the LEA intends to make.'

Bolton looks more into the future:

'If a Statement is made you will be given the name of a person with experience of the kinds of difficulties your child has, who can offer help and advice in the future. It is hoped that this will provide you with a valuable contact throughout your child's schooling.'

Some LEAs, such as **Bexley** and **Bromley,** just repeat the wording of Section 7 of the Act. Nine of the 18 merely state that a 'person' will be named; five that it will be an officer of the LEA or education department; and four — **Derbyshire, Lincolnshire, Hounslow** and **Sheffield** — the head of the nominated school or teacher in that school. **Sheffield** says:

'After your views about the draft Statement have been fully considered, the draft Statement will be confirmed or a changed Statement will be sent to you. The name of a person who can provide information and advice about your child's special educational needs will be given to you in a letter with the Statement. This person will usually be the Headteacher or a nominated teacher of the school your child will be attending.'

Hounslow says much the same:

'At the same time as the final statement is made parents will be given the name of a further person from whom information and advice about their child's special educational needs can be obtained. This person will normally be the Head of the school the child will be attending or a teacher nominated by the Head.'

In contrast, **Wirral** mentions giving the 'name of officer for further information' and adds in a different part of the leaflet:

'Throughout the assessment procedure an Officer of the Authority will be available to answer parental enquiries, not only about the procedure, but about the opportunities and possibilities for the future education of the child.'□

Appealing

Right of appeal if no statement

Almost half of the local authorities surveyed fail to refer to parents' right to appeal to the Secretary of State if the authority decides, after assessment not to issue a statement. The 52% which do, explain in various ways and with varying amounts of detail. For example, **Havering** says:

> After the assessment has taken place it may be decided that no further action is needed. Should this be the case and you disagree with the decision, you would have the right of appeal to the Secretary of State for Education and Science.

Birmingham says even less:

> You can appeal to the Secretary of State for Education and Science if the Local Authority decides not to make a statement.

Others, thoughtfully, add the address of the Department of Education and Science in London or Welsh Office in Cardiff.
Newcastle only refers to the right in one of its charts rather than in the body of the text.
Derbyshire provides more thought and detail:

> If it is decided that there is no need for the Authority to do this (make a statement) the parents will be notified in writing and if they disagree with the decision they should contact the Officer of the Authority named in the earlier letter. If, as a result of discussions with that Officer, the Authority's decision is unchanged and the parents still disagree, an appeal against the decision can be made in writing to the Secretary of State for Education and Science, Department of Education and Science, Elizabeth House, York Road, London, SE1 7PH.

Knowsley takes a similar line:

> If the LEA decides not to compile a statement, the reasons for this decision will be given to you in writing. If you want to appeal against this decision you can first of all ask the LEA to think again and, if the LEA still considers that a statement is not needed for your child you can appeal in writing to the Secretary of State for Education and Science. The LEA will tell you how to do this. The Secretary of State can tell the LEA to reconsider its decision if he sees fit.

Liverpool is almost the same:

> Can I appeal if the L E A. decides not to draw up a statement? Yes, you can first of all ask the L E A. to reconsider their decision and, if the L E A. still thinks a Statement is not needed for your child you can appeal in writing to the Secretary of State for Education and Science. The L E A. will tell you how to do this. The Secretary of State can tell the L E A. to reconsider their decision if he feels this should be done.

Northamptonshire takes a similar line. However, **Hereford and Worcester** refers to this parental right while obviously preferring parents not to exercise it:

> If the letter says that a Statement will not be written, it will be because it is thought that the ordinary school can provide an appropriate education for your child, or else because he will need help from outside the school for only a limited period.
> If you do not agree with that decision and think that a Statement is necessary, it is hoped that you will write to the officer named in the letters you have received, or discuss your anxieties direct with them.
> If you still cannot reach agreement and continue to feel that a Statement is necessary, you have the right to write to the Secretary of State for Education in London explaining your views and asking him to investigate on your behalf.

Note the unfortunate 'put-down' phrase 'discuss your anxieties'.

Mid Glamorgan is brief and to the point:

> If, after assessment, the Authority decides not to produce a statement, what can I do?
> You can appeal to the Secretary of State for Wales, Welsh Office, Cathays Park, Cardiff. He will either agree with the Authority, or direct the Authority to make a statement.

Appealing against the provision in the statement

The final statement issued by the LEA sets out the provision it considers most appropriate to meet the special educational needs of the child who has been assessed. If parents disagree with that provision they can, under Section 8 of the 1981 Act, appeal against it to a local appeals committee. Such committees are set up by the LEA but are meant to act as independent bodies in coming to decisions. They can, though, only confirm the provision in the statement or refer the proposals back to the LEA for reconsideration.

If the appeals committee confirms the provision or on referring the proposals back the LEA does not change its mind, parents have a further right of appeal direct to the Secretary of State. Section 8 of the 1981 Act states:

> Every local education authority shall make arrangements for enabling the parent of a child for whom they maintain a statement . . . to appeal . . . against the special educational provision specified in the statement.
> Any appeal . . . shall be to an appeal committee constituted in accordance with paragraph 1 of Part 1 of Schedule 2 to the Education Act 1980.
> In any case where (a) an appeal committee confirm the decision of a local education authority as to the special educational provision to be made for a child; or (b) a local education authority inform an appellant of their decision in a case which has been remitted to them . . . the appellant may appeal in writing to the Secretary of State.

From the information given to CSIE, only three-quarters of the LEAs (77%) refer to parents' right of appeal if they do not agree with the provision in the final statement. Only half of those (38% of all LEAs) go on to give details of the procedures for appeal and even fewer (29%) explain the workings of the local appeals committee.

Forty-eight per cent of LEAs fail to mention the further right of appeal to the Secretary of State. Those LEAs which refer to the right of appeal to the local appeals committee but fail to refer to the right of appeal to the Secretary of

State are: **Hereford and Worcester, Hertfordshire, North Yorkshire, Staffordshire, Bolton, Salford, Enfield, Haringey, Redbridge, Waltham Forest, ILEA, Clwyd, Mid Glamorgan.**

Knowsley provides one of the most informative descriptions of this part of the process:

"CAN I APPEAL AGAINST THE EDUCATIONAL PROVISION (SCHOOL PLACE) PROPOSED IN THE STATEMENT?
Yes, you can firstly appeal to a local Admissions Appeals Committee which is largely independent of the LEA, and the letter which will accompany the final statement sent to you will tell you how to do this. You must appeal initially in writing but will have the right to appear before the Committee in person and to bring a friend to be represented. Further advice on how to appeal is given on pages 3 and 4 of this booklet.
The Appeals Committee will either confirm the provision recommended by the LEA or else ask the LEA to re-consider the recommendation. The Committee, cannot, however over-rule the LEA's decision.
If, following consideration by an Admissions Appeals Committee, you are still dissatisfied, either because the Appeals Committee supported the LEA or because the LEA decided following further consideration requested by an Appeals Committee, to confirm the original recommendation, you can appeal in writing to the Secretary of State for Education and Science. He has power to over-rule the LEA if he considers it appropriate to do so.
Once the appropriate educational provision for your child is finally settled the LEA will arrange a place as quickly as possible."

Oldham says briefly:

"If you do not agree with the content of the draft Statement, you have a right of appeal to a Local Appeals Committee, and ultimately to the Secretary of State for Education and Science."

Waltham Forest is too brief in the way it telescopes the information into two sentences:

"You will receive a letter which advises you of the decision and if you remain dissatisfied you can appeal to a local Appeals Committee and the way to do this will be explained in the letter. If a Statement is not made and you feel that one should have been made then you can appeal to the Secretary of State for Education and Science."

Bolton tantalises:

"If you disagree with the Authority's decision and/or the provision specified in the Statement you will be able to appeal. Separate leaflets describing the appeal procedure are available from the Education Department."

Rotherham, in contrast, has put all the information into its special education guide which sets out the 'two distinct stages' when parents have a right of appeal and adds a detailed appendix on how to appeal and the powers of the appeals committee and the Secretary of State. For example:

"Whether the Appeals Committee decides to uphold the Authority's statement or even if the Authority amends its statement, parents still have the right to make a final appeal in writing to the Secretary of State at the address given in Section 8.
The Secretary of State may, after consulting the Authority either confirm the Authority's statement, amend it, or direct the Authority to cease to maintain the statement."

Interestingly, no LEA gives parents the clear message that the Secretary of State might actually give them the provision *they* want, if they do lodge an appeal with the Department of Education and Science. DES Circular 1/83 says, in paragraph 54 on Appeals:

"The Secretary of State for Education and Science hopes that appeals will seldom prove necessary and that they will be seen only as a last resort."

Clearly, the DES is, quite rightly, hoping — and in this sentence indicating as much — that LEAs and parents will be able to work together successfully as a partnership within the new procedures to reach mutually agreeable solutions, albeit acknowledging that there will be occasions when that doesn't happen. Several LEAs have picked up this theme in their own literature — for example, **Sheffield:**

"Am I Able to Appeal Against the Educational Provision Proposed in the Statement?
As there will have been an openness and frankness between professionals, the education authority and parents it is hoped that appeals will not be needed. However, if parents disagree with the arrangements in the Statement they may appeal to the Local Appeal Committee."

This is one of the few LEAs which give some information about the Committee, for the section continues:

"This Committee will normally consist of five people including both city councillors and others with experience in education, with at least one person with some knowledge of special educational provision. The Appeal Committee will consider the Statement and comments or further evidence from the parents and from the Education Authority. It will then make recommendations to the Education Authority. The Appeal Committee will either confirm the provision recommended by the LEA of ask the LEA to re-consider the recommendation. Parents wishing to appeal against the proposed provision should write to the Head of Administration and Legal Department, Town Hall, Sheffield S1 2HH setting out the grounds on which the appeal is made. An appeal should be made on a Notice of Appeal form and should be supported by any other relevant documents.
Parents who are still not satisfied with the outcome of this Local Appeal Committee have a further right to appeal to the Secretary of State, who may decide to carry out his own assessment of the child's special educational needs. The Secretary of State may decide to endorse the decision of the LEA or over-rule this decision."

Northamptonshire gives parents some encouragement over appeals:

"You should not be afraid to appeal if you consider it necessary. The panel who will hear appeals is independent of the LEA. You may bring a friend or adviser with you to help present the case..."

Havering has a similar approach which goes further than most in admitting openly the possibility that authority and parents may not agree. It also avoids the note of disapproval that some LEAs cannot seem to resist.

"What if you disagree?
Everyone wants to do what is best for your child and it is hoped that all concerned can work together so

that agreement can be reached. You have the right to be consulted at each stage of the process and it is hoped that by doing this unnecessary misunderstandings can be avoided. Sometimes, however, it has to be accepted that there may be disagreement about the arrangements that should be made for your child. If there is disagreement you do have a right of appeal, firstly to a local appeal committee and then, if necessary, to the Secretary of State for Education and Science. In these circumstances you will be told exactly what your legal rights are and how to go about making an appeal. It is hoped that you will still feel able to come to the Education Department for information and advice.'

A hint of discouragement creeps in with some LEAs as they emphasise how rare it is that parents feel bound to appeal. Take **Hampshire:**

'If you wish to appeal against what we have proposed to provide for your child then you have the right to do so. The appeal will be heard by a small Committee which will include members of the County Education Committee. On those very rare occasions where parents are still unhappy with what is proposed even after talking to the Appeal Committee, they have the further right of appeal to the Secretary of State. Your own wishes and views, therefore, are thoroughly safeguarded by these arrangements.'

Newcastle gets slightly carried away. After referring to the local appeals committee and the fact the parents 'are entitled to write to the Secretary of State (The Government Minister of Education) who will consider your child's case', it adds:

'There are lots of ways for you to appeal but the Education Authority will be working hard to avoid things going that far. All the people involved will be trying to work towards agreement with you, the child's parent, as a partner of the Authority in planning the best education for your child.'

Two further authorities are worth quoting for the ways they don't really get it right. **Hereford and Worcester** makes its parents feel a nuisance if they want to appeal:

'At this stage, if you still feel dissatisfied with the educational provision which the Statement says will be made, you have the right to appeal to a special panel set up by the County Council for that purpose. Details of the appeal arrangements will be described separately to you if the need arises.'

And **Staffordshire** sounds quite threatening with its 'parents as partners' line:

'If you cannot agree with the provision — the help or school place — you can appeal to the local Allocations Appeal Committee. You must appeal in writing and then you can appear in person before the Committee and you can bring a friend to help you state your case. *But the Staffordshire authority regard parents as partners and almost always we find parents and officers can agree on the best way to help a child in difficulties. Officers will always make themselves available to discuss these matters with parents.*' □

Sources of help

Only a quarter of LEAs (26%) help parents by listing where they can get help, advice and support from local authority departments or of those, just half of them add information about voluntary organisations, disability groups and parent groups. For example, **Northamptonshire** offers as much as 8 pages of contacts — local and national, LEA and voluntary group — plus a detailed reading list. **Clwyd** backs up its list of sources of help with a rundown of what each relevant LEA job title means. These, though, are exceptions.

LEAs listing both local authority and voluntary sector help are: **Knowsley, Newcastle, Walsall, Northamptonshire, Oxfordshire, Clwyd, Brent, Havering,** and **ILEA.**

It is a major disappointment that the vast majority of local authorities choose not to refer in their literature for parents to the many, and growing, points of help and information available to them. If not an unfortunate oversight, this seems a short-sighted attitude by local authorities. Negotiating the complex procedures — about which LEAs themselves frequently complain — must be much easier with well-informed and confident parents rather than with poorly informed, isolated and apprehensive parents. □

The 1981 Education Act in Derbyshire

In 1984/5 Derbyshire local education authority reviewed its arrangements for providing a service to pupils with special educational needs. This report of the response of parents was written by Julien Kramer, assistant education officer for special needs, and first appeared in the *British Journal of Special Education* (volume 12, number 3, September 1985) as part of an article describing the full review.

The background

Derbyshire, with a school population of 144,000 is one of the largest English county authorities. It maintains 27 special schools and 33 units. In October 1984, as part of continuing discussions on the future role of Derbyshire special schools, its education committee approved a policy whereby special schools would give outreach support to ordinary schools and also agreed that teaching staff in the special sector would be maintained at present levels. A staff development programme funded through the DES education support grants scheme, primary and secondary in-service training (INSET), and a comprehensive 'Teacher Special Needs Resources Pack' are being undertaken with the stated purpose of maintaining more pupils with special educational needs in ordinary schools.

Administration of the special needs service, including the assessment and statementing procedures, was centralised at the county office in Matlock in April 1983. By September 1985, the special needs section had processed over 4,000 transitional and new statements of special needs of about 1.7% of two to 19 year olds. Over 1,000 of them had been based on a full multi-professional assessment (MPA).

The review

After the first 18 months of operation the new multi-professional arrangements were reviewed in October 1984. The reasons for this review were fourfold: **1** to respond to the statutory requirement that LEAs should keep their arrangements for meeting special educational needs under regular review **2** a belief that, although basically sound, the service could be improved **3** the desire to hear the views of participants — not least the consumers — **4** the hope that the review exercise itself would raise the general levels of awareness and understanding of special needs and the special needs service in Derbyshire.

Comments were invited from parents, the schools psychological service, advisory teachers, heads and staff of mainstream schools, special schools and units, the pre-school service, education welfare officers, area health authorities and child guidance services, social services, voluntary groups and the teacher associations. The response was enormous.

The parents' views

The questionnaire to parents containing open, closed and multiple choice questions, together with space for additional comments, was sent to a 10 per cent sample of those parents for whose child the full assessment and statementing process had been completed. The sample covered a broad spectrum of special needs: from pupils requiring an ordinary curriculum with welfare support or some extra teaching time, through adapted and augmented curricula to the highly specialised curriculum required for pupils with severe and complex learning difficulties associated with multiple physical and sensory handicap.

Selection of parents was by numerical progression, drawing in every tenth family listed alphabetically across the pupils in each area of the school service: mainstream schools (primary and secondary), special schools and units, out-county schools and pupils receiving home tuition. We hoped that by preserving the anonymity of responses (no identifiers were used on the questionnaire) parents would feel more able to speak freely. One consequence of this approach was that non-returners could not be reminded.

In the event the return was high. Eighty four per cent replied and the picture that their responses gave is described below.

Although all parents said they had been able to discuss their child's progress and the assessment procedures that would be used, the discovery that *their* child had special needs had been fairly traumatic for most of them. 'I was very upset . . . it must have been very difficult for him' (the educational psychologist). Parental responses covered a range of feelings: guilt, blame (self and other), shame, disbelief, bewilderment, and also the desire for a 'second chance' for their child.

Within the overall level of satisfie[illegible]ents (82 per cent thought the service either good or very good and only one parent felt it was less than satisfactory 'at the beginning') there was clearly some disquiet.

Documentation had been difficult to understand, some reports were 'jargony'. A few parents were concerned at the apparent slowness of professionals to recognise a problem that was clear to them ('it has confirmed what I had been trying to tell people for years'). The time scale for assessment was felt to be over-

long (initially 3½ months, now 10 weeks). For some parents the initial reluctance to accept that their child had special needs was succeeded by an impatient desire for immediate action to meet those needs.

Where parents were dissatisfied with an aspect of the service the reasons listed, in order of frequency of mention, included:
1 finding some aspect of the service too hurried (interview), too formal (documentation) or insensitive (documents, interview)
2 frustrations over apparent delays in responding to the child's and their needs
3 not being able to convince the professionals of their real concerns regarding their child
4 unresolved feelings of guilt, self blame and a lack of acceptance of the child's difficulties
5 feelings that parents should be allowed or expected to do more
6 concern over the level of resources given to pupils with special educational needs.

The things that parents appeared to value most in the service were:
1 the opportunity to talk to others with knowledge of the difficulties being experienced by their child and themselves
2 reassurance as to the nature of the difficulty, proposals for action and subsequent provision to meet special needs
3 being consulted and feeling that they as parents had an active role to play
4 the feeling that 'something was being done'

Parental satisfaction with the service was perceived largely as agreement over outcomes: *placement, provision, progress*. Many parents chose to use the 'Further Comment' sections to record a message of thanks. General satisfaction with the service had not, however, obscured parental perceptions of those areas which required further attention.□

The parents' perspective

One of the most detailed assessments of the role of parents in the procedures of the 1981 Education Act appeared in the Inner London Education Authority's report of the Fish Committee *Educational opportunities for all?* published in July 1985. The Committee reviewed the capital's provision for meeting special educational needs and, in a chapter headed *The parents' perspective*, set out strategies and services which could improve parental involvement and enhance the partnership between parents and professionals. We here reproduce that chapter.

The background to parental involvement

2.13.1 Recent Government Reports, from Plowden to Warnock, have highlighted the need for collaboration between parents and professionals. In the 1970s, the Bullock Report commended the involvement of parents in early reading and language activities. The 1976 Court Committee emphasised that it could see no better way to help children than to help their parents to share in their growth and development. The same report stressed the need to establish a constructive partnership with parents. The Taylor Report in turn proposed parental participation in school management and accountability and Warnock, in 1978, not only headed a major section 'Parents as Partners', but made such partnership a central theme in all its recommendations.

2.13.2 Since the 1967 Plowden Report, there have been several surveys which have confirmed that over the past fifteen years there has been a marked trend towards parent participation and parental presence in schools. Parent participation has also changed in nature, moving from minimal contact through open evenings, fund raising activities and similar activities to home reading schemes, parents rooms; home liaison teachers, parent workshops and, in the case of special educational needs, parent participation in assessment with new rights to access to information relating to education decision making.

2.13.3 Parents' rights and representation in education have also changed. Some of the Taylor Report's recommendations were implemented in the 1980 Education Act. All maintained schools now have parents and staff as elected representatives on Governing Bodies. Hence parents have the opportunity to influence both curriculum and management within an individual school. Parents have the right to express a preference for the school which they wish their child to attend and there is an appeal system which is binding on the LEA except in the case where children are the subject of Statements. LEAs must now publish information regarding schools and the rules governing admissions. In effect parents' rights to access to the educational process are given a major impetus and those rights, and expectations of informed choice, undoubtedly affect parental perceptions of the 1981 Education Act and its implications for children with special educational needs.

2.13.4 The 1981 Act has been greeted variously by parent organisations. For some it is a potential charter of rights and a pattern for future partnership. For others it is perceived as 'street level bureaucracy', with pedantic and time-consuming procedures and little real choice. In practice the 1981 Act reflects a process of evolution in terms of participation by parents in education. It confers responsibilities on parents as well as rights. It offers a structural framework for shared decision-making. However the new legislation poses a number of wider issues for parents. We need to examine how parents can be most effectively informed and involved in the new assessment

procedures. Many parents will need the 'named person' to act as interpreter and guide. Meeting the special educational needs can be a complex interdisciplinary procedure. Making the system accessible to all parents, including those in minority ethnic groups, poses a major challenge. Meeting special educational needs in the ordinary school requires that teaching staff make new reciprocal relationships with parents.

2.13.5 In effect, partnership will involve a full sharing of knowledge, skills and experience. A commitment to partnership will rest on the acceptance of the basic principle that children will make better progress if their parents can work with professionals and if decision-making is a shared process. But partnership will also necessitate ensuring that the parents are comfortable with the professional concerned. They must feel equal partners in access to knowledge, resources and expertise. Parents are different from professionals. They have a unique knowledge of, and commitment to, a particular child. Any effective meeting of special educational needs requires that this unique contribution is given equal weight in assessment and decision-making.

2.13.6 In many respects the 1981 Education Act challenges schools as well as local education authorities in terms of a more open sharing of information, of greater parental involvement in schools and a recognition of the non-educational factors, such as housing, unemployment or emotional difficulties, which may impede such involvement. Recent years have seen the blurring of the traditional inter-professional boundaries, with an emphasis on whole-child and whole-family approaches.

2.13.7 Teachers have traditionally focussed on children's needs. The development of a family orientated approach, particularly where the interests of parents and children may diverge, may necessitate close links with other family services. There may be a need actively to encourage the participation of parents whose self-image may be poor and whose self-confidence is limited. Many parents of children with special educational needs require counselling and support. Present arrangements, which parents may perceive as deficit dominated, often encourage negative attitudes. These may be expressed in the following terms. "I don't know which side they (the professionals) are on" or "Assessment is like the MOT Test — every time my child fails on something different". Negative perceptions may be inaccurate, but they reflect attitudes which will colour parental responses to assessment or provision.

2.13.8 Particular issues which have arisen in the years following implementation of the 1981 Act include:
(i) The interpretation of local education authority policies on issues, such as integration, to parents, and to voluntary and other professional agencies who will be concerned with counselling and advising parents.
(ii) Administrative arrangements for the 'named person' of the Warnock Report, in order to provide a 'key worker' approach to the complex co-ordination of information which accompanies formal assessment under the 1981 Act.
(iii) A new and positive attitude by local education authorities to voluntary organisations, which are not only service providers, in particular for the 0-5s and post-school age groups, but which can act as parent counsellors and, if necessary, as parent advocates.
(iv) The implementation of the role of 'parent' when a child is in the care of a local authority. Whitehead, during the debates on the 1975 Children's Act, highlighted the need for a psychological as well as administrative 'parent' for children in care. The conclusions of the Short Report (1984) suggest that provision is still inadequate and that the broader role of 'parent' needs exploration.
(v) Greater awareness of the wider cultural, religious and personal preferences of some groups of parents, which will need to be incorporated into appropriate special educational provision.

2.13.9 The 1981 Act offers parents new opportunities for actual participation in assessment and decision-making and in their children's education. Over the past decade, the Portage Home Teaching programmes have been something of a growth phenomenon. The work of the Newsons in the Child Development Research Unit, Nottingham and of Mittler, Cunningham and McConachie and their colleagues at the Hester Adrian Research Centre in Manchester have similarly shown that parents not only have unique knowledge of their own child but that they can also utilise this knowledge in making informed decisions and in sharing in intervention.

2.13.10 There has been much discussion about whether parents are 'professionals', 'clients' or 'just parents'. In practice these arguments would be better directed to looking at what Wolfendale has called the 'equivalent expertise' of parents in complementing professional skills. Parents, as parents, have a unique and holistic perspective on their child's development. If this can be seen as 'equivalent expertise', designation as professional — or client — is unnecessary. Parents must be an integral part of any effective assessment. Their participation in subsequent educational and other intervention programmes, if this is required, is also essential.

2.13.11 One helpful initiative has been the outcome of a working party convened by Freddie Green whilst a member of HM Inspectorate, which has drawn up guidelines for 'parental profiling'. The 'parent profile', as outlined by Wolfendale, presents the parents' perception of the child at home as well as their views on their child's special educational needs. Broad headings offer a framework for the organisation of information and the concept offers considerable potential for positive partnership with parents.

Parental views on assessment

2.13.12 Although the removal of the old categories of handicap has been generally welcomed by parents as much as by

professionals, we are aware that some parents are experiencing greater problems in understanding their child's special educational needs as a result. Whilst parents wish to avoid stigmatising and generalised labels being applied to their children, many parents expressed to us their desire to have a definite diagnosis of the problem: to understand the causation, if known, and in particular a recognition of their feelings that the absence of a clear-cut diagnostic label might mean that professionals were simply concealing the truth. Most parents felt that they were not given the whole truth; that things were kept from them; and that explanation from different professionals appeared to give contradictory messages.

2.13.13 Some confusion about the quality and quantity of information provided undoubtedly arises from the present fragmentation and, in some cases, duplication of assessment services. Parents who saw large numbers of professionals frequently had difficulty in balancing the views of different professionals even when they concurred. In some instances parents clearly misunderstood the nature of the professional carrying out particular examinations. The role of the educational psychologist, despite the special explanatory literature now available from ILEA, was most misunderstood. Many families assumed that the psychologist was 'some kind of doctor' or, even more worryingly, a psychiatrist or someone who 'deals with mad people'. Fears about labelling as 'mentally ill' were very real. Additionally some parents ascribed to psychologists the powers which formerly applied to doctors in general in being able to organise special educational provision and to determine immediately the type of the school which the child would attend. In these circumstances the nature and purpose of the psychological tests used would often be misunderstood and parents disappointed at what they saw as a lack of interest in producing instant solutions to their child's problems.

2.13.14 Many parents will bring to assessment their own perceptions and experience of their child and his or her development from contact with other services and earlier examinations. District Health Authorities now have a duty to inform parents and local education authorities, if they consider that a child might have special educational needs. Many doctors hesitate prematurely to designate a child as having such needs and are reluctant to discuss potential special educational needs when the child is very young. Clearly many parents whose children are diagnosed as having an actual or potentially handicapping condition, particularly in the under five period, will seek information on future development from all professionals with whom they are in contact. It is important that local education authorities and district health authorities ensure that information given by each agency is compatible and that parents fully understand the distinction between medical and educational assessment. Written information material, however high the quality, will be inadequate for some parents and attention should be given to ensuring that time is allocated for discussion and verbal explanations about procedures and the professionals involved in them.

2.13.15 A significant number of parents, and voluntary organisations, have expressed concern about the mechanisms for active and positive parent participation in the new assessment procedures. It is generally recognised that parents can impart vital information, make informed observation and complement professional skills. However, many parents are uncertain what information should be imparted and are unclear about how they might contribute to the draft statement. Circular 1/83 notes that:

'Professional advisers will be aware of the views of parents . . . and parental involvement in assessment provides the opportunity to reach an agreed understanding of the nature of the child's learning difficulties.'

Issues to be considered in the effective implementation of what is still a new piece of legislation in reaching 'agreed understanding' include:
(i) The question of *who* guides and assists parents in presenting their evidence and expressing their views.
(ii) The existing parental knowledge, understanding and appraisal of the problem or disability in terms of the child at home and in school.
(iii) Prior knowledge and experience of the parents regarding educational provision.
(iv) The existing relationship between parent(s), schools and other agencies.
(v) Any family factors, such as illness, unemployment, single parent status, which may affect the discussions.

2.13.16 If parents are to be asked to contribute information about their child, professionals participating in the assessment process also need to develop skills in:
(i) Acting as developmental, diagnostic and interpretative advisers.
(ii) Training and assisting parents to observe, record and comment on their child. For those parents who cannot read, or who do not speak English, recording may involve direct communication through the professional concerned, or a volunteer or other suitable observer.
(iii) Imparting information regarding formal procedures and local statutory, voluntary and educational provision.
(iv) Maintaining respect and sensitivity to the parents' anxieties and concerns.

2.13.17 Many parents have told us that they would have appreciated more structured guidance in making their contribution to the draft statement. Those who were shown the work on 'parent profiles' carried out by the working party already mentioned and available from the Education Department of the Spastics Society found the proposed guidelines for parents simple and easy to understand.

2.13.18 The Down's Children's Association, in addition to a number of local authorities and health authorities, has done some work in piloting the 'profile'. It has also been tried out successfully at the Mary Sheridan Centre

Wolfendale (1984). *Parental Profiling and Parental Contribution to Section 5 Assessment and Statementing* NELP. Department of Psychology.

where members have found the broad guidelines helpful and parents have found it easier to organise their particular knowledge of their child in terms of their children's special educational needs.

2.13.19 Attention should be given, preferably in conjunction with the voluntary organisations, to developing a 'parent profile' model for parents whose children are undergoing assessment in order (a) to reduce the number of parents who are failing to contribute to the assessment process, but may have strong feelings about their children's needs and (b) to enable parents to make a contribution which is seen to be relevant, important and which can be balanced with the professional advice provided with the Statement.

2.13.20 We consider that some parents would benefit not only from guidance from the designated officer of ILEA but from the support of a 'named person', discussed in later paragraphs, in framing their contribution and in recording their perceptions of their child.

2.13.21 An almost universal cause of complaint and anxiety amongst parents was the length of time taken for formal assessment (see also Chapters 5 and 12). Initial information led many parents to anticipate a fairly rapid decision-making process. Many were concerned and annoyed at the delays entailed in reaching any decision. Particular concern was expressed by parents of children under five, who anticipated and feared that a statement might not be agreed before the child started full-time education. A number of parents expressed concern that additional resources were not available during assessment and felt that assessment should offer an opportunity, with an adequate level of support, for the observation of children in nursery, primary and secondary schools.

2.13.22 A factor often not fully appreciated during the assessment process was highlighted by a number of parents, who talked about their own ambivalent feelings about having a child with a 'handicap' or 'special educational need'. Research by the Hester Adrian Research Centre and other agencies has highlighted the time taken by many parents to adapt to and accept the implications of a child's disability. Many families will need counselling, information and practical help over a considerable period of time in order to reach a point where they are able to work actively with professionals in helping their child. A number of the younger parents whom we met were very explicit about the need for time 'to come to terms with the handicap' and with their reluctance to accept services which in any way reinforced the 'handicap' image of their child.

2.13.23 Many parents participating in the assessment process will themselves have doubts about their abilities to be good parents. Precisely because many children with even relatively minor disabilities need to be elaborately taught skills which other children acquire spontaneously, parents may feel inadequate. Without proper help and support in acquiring the necessary skills, and in accepting slower progress than in siblings, parents may easily feel dissatisfied not only with themselves but with the parenting role. Those parents we met who had been involved in a Portage Home Teaching scheme or who had received a high level of support from peripatetic teaching services for the hearing and visually impaired or home-liaison teachers appeared noticeably more confident about their role in assessment and with reference to their expectations for their child's educational process. Although there has been no comparative study of parents who used under fives services such as the Portage scheme and parents whose children's difficulties were identified once they were in schools, it appears likely to us that the parents who experienced earlier support are better prepared to work as genuine partners. As one parent told us, "there is a great need for confirmation of the parents' ability to cope with a difficult situation . . . parents need sympathetic support, reassurance and respect from professionals if they are to develop the self-confidence necessary to fully share in the assessment of their child".

2.13.24 The Committee recognises that some parents do not have the skills to negotiate with professionals on their own behalf although almost all have the potential to do so. For some a cycle of disadvantageous circumstances leaves them with little time or energy to participate fully in their children's education. For others from different cultures and with a limited command of English there will also be difficulties in making their views known. These issues need further consideration by services who need to take them into account in the planning of provision.

2.13.25 Problems in communication between professionals may cause problems for parents. Parents who had access to a specialist assessment centre or to a District Handicap or Child Development Team had less difficulty in participating in assessment procedures and seemed more likely to feel confidence in, and know by name, the professionals working with their child.

2.13.26 Some parents and parent groups expressed their concern about confidentiality and assessment. Although all parents received the professional 'advice' on which the draft statement was based, a number informed us that they wished they had seen the reports on which the advice was based. These parents did not believe they had had all the information to which they felt entitled. We gathered that some schools invite parents who have received the draft statement to attend a multi-disciplinary meeting at their child's school which includes all those who have submitted reports and recommendations.

Parental attitudes to integration

2.13.27 Many parents expressed their desire for a coherent policy on integration within the ILEA. However, a number expressed considerable anxiety about what they saw as the deficiencies of primary and secondary schools in meeting the needs of children already in them. Class sizes, concern about

teaching standards and lack of appropriate training and support were all raised as issues to be tackled if integration was to be effective. Anxiety was expressed about any random attempts at integration which would 'cream off' more able pupils from the present special schools and leave the remaining most severely handicapped pupils even more isolated and in smaller units. Integration is not only a civil rights issue for parents. It is a complex balance between positive discrimination and the ordinary educational environment. Many parents will experience critical periods, for example during assessment, when the child with special educational needs is rising five and when he or she is approaching school leaving. Parents have their own broader family needs and lifestyles which will directly relate to how they can work as partners in the context of special educational needs.

2.13.28 Parents of younger children seemed most likely to have very strong views on integrated provision. Many wished their children at least to enjoy nursery school or class provision and felt that ongoing assessment in an integrated setting would enable more children to move on to primary and secondary schools. Some parents of children under five expressed great concern about the delays in carrying out formal assessment procedures, and hence the delays in providing extra resources which might be essential in order to ensure that integrated provision had a good chance of being successful. These parents felt that resourced assessment placements could not only demonstrate the positive and possible in terms of integration but would allay parental anxiety about early labelling. Parents of children under five were also concerned that all under fives should be fully re-assessed when rising five in order to avoid the retention of a child in special provision where this was no longer necessary.

2.13.29 Parents whose children had been identified as having special educational needs whilst in a nursery, primary or secondary school expressed a variety of concerns about integration. Some felt relief that their child was in a special school environment and making progress. Their experience of ordinary schools had been rejecting, negative and unhelpful. Others, in particular Afro-Caribbean parents, felt that their children had been unhelpfully labelled and that the primary and secondary schools should have provided help. Parents who had themselves experienced special education were particularly negative and saw their child's placement as confirming their own poor self image and repeating their own disappointing educational experiences.

2.13.30 Some parents actively sought highly specialist educational environments for their children, for example schools for the visually and hearing impaired with academic reputations. For these parents 'segregation is a way to later integration' and they were influenced by the availability of a peer group, particularly when a child primarily used signing, or by a school's success in public examinations. It would be inappropriate to generalise because many parents were very satisfied with the work of special units or other strategies for integration into primary and secondary schools. Most parents of children with sensory impairments felt that much more integration was possible and desirable but that:
(i) there must be safeguards in terms of availability of trained teaching staff and special equipment; and
(ii) their children must also have access to a peer group with similar disabilities.

2.13.31 A number of parent organisations, like the Parents' Campaign for Integrated Education in London, considered that the present falling rolls in London schools offer an opportunity for reorganisation in order to develop an active policy for integration. The need for resource bases for integrated arrangements was recognised and the Campaign commented that:

"We would like to stress that parents would prefer an incremental approach to reorganisation so that each step may be carefully monitored before proceeding to the next. There are many parents who trust the special school system which at present exists in the ILEA. We wish to see proper account being taken of these parents' views. However, we believe . . . they should not be used as an argument against change. An initial step towards the integration of all children with special needs would be the integration of small groups of children from special into mainstream schools for part of the week with a teacher from the special school overseeing integration."

2.13.32 Many parents' concerns about integration related to their feelings that they had been given insufficient information on the full range of education available in ILEA and that the assessment procedures had not sufficiently clarified the rationale for recommending one type of provision rather than another.

2.13.33 In considering integration, it is clearly important to look more specifically at parental attitudes to existing special school provision. The Research and Statistics Branch survey of parental attitudes in a selected group of special schools and units found that 80 per cent of parents inteviewed considered the special school successful or very successful in developing their child's strengths. 80 per cent were pleased or very pleased with their child's progress and 68 per cent were satisfied with their child's education and schooling in general. However 26 per cent of parents felt that schools were not successful in helping their children to overcome difficulties and acquire skills. Those parents who were not satisfied pinpointed a number of specific areas of concern such as lack of academic skills in writing and reading and social and study skills.

2.13.34 Although there is no comparative study of attitudes of parents of children with special educational needs in primary and secondary schools, another Research and Statistics Branch study of attitudes of parents of pupils, in the first year of secondary school, found similar percentages of parents (14%) who were not pleased with their child's progress in school. Hence the dissatisfied parents of children in special schools were numerically little different from those in the school population as a whole.

2.13.35 In looking at parents' views on their child's special educational provision, it is important to differentiate between the different types of special schools. The study referred to above found around 40 per cent of parents of children attending schools for moderate learning difficulties and for emotional and behavioural difficulties were *not* pleased with their child's progress. In contrast 86 per cent of parents of children attending delicate schools were satisfied with their children's schooling.

2.13.36 Attitudes of parents whose children were in units of special classes were also diverse. All parents of children in remedial classes thought they developed their children's strengths. But these parents were somewhat less satisfied with their child's overall education. 25 per cent of parents of children attending remedial classes and 56 per cent of parents of children in educational guidance centres expressed generally negative responses to this question.

2.13.37 Of the ethnic groups included in the survey Afro-Caribbean parents were significantly less happy with the special educational provision provided for their children. They considered that they were insufficiently informed prior to their child's admission to special educational provision (42% as compared to 13% of other parents) and displeased with the decision to place their child in the present school or centre (38% as compared with 12%). They were also more likely to consider that they had inadequate contact with the teachers at the present school or centre (33% as compared with 8%). This substantial degree of dissatisfaction with the route to and the provision made for special educational needs highlights an important area of work in not only developing more effective information networks but also in encouraging parents to share more positively in their child's educational experiences. Afro-Caribbean children are over represented in schools for children with emotional and behavioural disorders. Parental concern and antipathy to this form of provision is recognised. What is less clear is what forms of support for parents of children, with what are perceived by schools and others as emotional and behavioural difficulties, would be most acceptable and effective.

Parents of children with moderate learning difficulties and emotional and behaviour difficulties

2.13.38 We have considered parents of these children separately from other parents of children with special educational needs, because there is clear evidence that these parents are the least likely to be satisfied with the arrangements made for their children. Additionally many parents of children in these groups may be socially disadvantaged. The family context may have considerable impact not only on the family's overall lifestyle but on parental confidence, self-image and perceptions of any special help offered. Additionally we are well aware that parents of children in these groups are least likely to have regular contact with self-help groups or voluntary organisations and may, additionally, be the least well equipped to satisfy their own information needs and to feel 'partners' rather than clients in the assessment process.

2.13.39 We have noted from the ILEA Research and Statistics report that 65 per cent of parents in their study with children in special schools and units had their child's special needs identified between 6 and 10 years old. The identification of special educational needs when a child is in a primary or secondary school, which occurs in most instances, may cause strong feelings of rejection by the school, anger at the school's inability, often seen as unwillingness, to cope and ambivalent feelings about accepting special educational provision. We met a number of parents who had themselves attended schools for children with moderate learning difficulties and were made very conscious of their feelings of the stigma resulting from attending them and having children who also attended special schools. These feelings were quite separate from their observations about the quality of the special schools — many recognising that their children were happier, were doing better and that staff were more 'tolerant', 'caring' or 'interested', particularly when the child had behaviour problems. However, we were also struck by the strong feelings that the ordinary schools had 'given up too easily', 'left children sitting in corners' and 'could have coped if they had really wanted to'. If parents feel that their children are rejected by primary and secondary schools it is not difficult to understand the negative feelings of Afro-Caribbean parents of children in schools for moderate learning difficulties and emotional and behavioural difficulties which the ILEA Research and Statistics Department has identified. These parents are substantially *more* dissatisfied than other parents. Anxieties about 'labelling' and racial prejudice clearly highlight wider dissatisfaction with referral to special educational provision.

2.13.40 The statistical relationship between social factors and different types of special educational needs found in special schools has been described briefly in Chapter 9. This relationship is of considerable importance in planning effective family support:

(i) Families who are socially disadvantaged are less likely to have access to voluntary organisations or to printed information on provision and services.

(ii) Parents who are members of ethnic minorities appear to be less likely to receive support or relevant information from national voluntary organisations.

(iii) Single parent families may have heavy pressures in day-to-day life that inhibit their active involvement in assessment or in the school which their child attends.

(iv) Parents who have themselves experienced educational failure are more likely to be found amongst the parents of children with moderate learning difficulties and with emotional and behavioural difficulties. They may need sensitive support and encouragement in order to become more involved.

(v) A higher percentage of children in special schools and units are in the care of local authorities or are members of families supported by social services than is the case in primary and secondary schools. Social service departments need to be active in linking with natural parents, substitute parents and the education authority when decisions are made about these children's education.

Children with moderate learning difficulties

2.13.41 We met a number of parents whose children were attending schools for children with moderate learning difficulties who were paying for private tuition. Whilst many parents may choose to provide additional tuition in collaboration with schools in, for example, a second language or for religious reasons, we were concerned, however, that some parents were paying for tuition, usually for the traditional reading, writing or arithmetic, with little or no liaison with the child's school. The reasons given for using this kind of help were usually based either on a misunderstanding of the special school curriculum, or a feeling that adequate teaching standards and expectations were not maintained, or because the parents desperately wished to accelerate their children's development and to be involved in their education. The ILEA research referred to above identified a significantly larger number of Afro-Caribbean parents who were dissatisfied with the educational standards of the special school. This concern, together with parents opting for additional education, appears to indicate the need for a closer partnership between schools and parents which might be fostered by:

(i) More effective links between home and school not only in terms of general contacts but also with regard to sharing knowledge of the child's current school programme and with suitable activities for the parent to generate at home. A number of parents of children at schools for children with moderate learning difficulties complained to us about the lack of 'homework', the absence of which was perceived as indicating a poor regard for the pupil's ability to learn. The use of reading schemes such as PACT in schools has shown the value of shared activities and we consider that parents would gain from such participation.

(ii) More visits to homes by school staff. Although teaching staff have frequently expressed concern to us at the ethics of intrusion, where a family may see such visits as an encroachment on privacy, parents have universally expressed their desire to us for such visits and for the opportunity to speak about their child and their concerns on their own territory. We met a number of parents, particularly those who had themselves received special education, who were extremely reluctant to visit the special school but who agreed that home/school contact would be useful.

(iii) Showing sensitivity in designing home/school links and choosing methods of communication which are acceptable to parents. We met a number of parents whose literacy skills were limited, including several participating in adult literacy schemes. Written communications and home-school diaries would be inadequate for these families, but staff awareness of parents' reading difficulties would be unlikely unless the parents had actually met the teaching staff. Difficulty in reading should be considered as a possible factor in poor parent/school contacts.

(iv) We have seen some impressive links between parents and schools, where local voluntary agencies, in particular the Elfrida Rathbone Society, have been able to assist in starting and maintaining a parent-teacher association and also in running parent groups. Many people will need considerable encouragement to become involved with their child's school and the use of voluntary organisations as a catalyst should be considered.

(v) Every effort should be made to ensure that parents of children in these groups receive appropriate information. Citizens' Advice Bureaux can provide simple information on benefits, housing, etc. Socially disadvantaged parents may be quite unable to help their child unless their own problems are dealt with first. Whilst schools clearly cannot take on responsibility for wider family problems, they can be major sources of information. Parents should be actively encouraged to claim all benefits and allowances for which they or their child may be eligible. We met one special school Parent Teacher Association which was itself, with the support of a local Elfrida Rathbone group, preparing information materials for its members.

Children with emotional and behavioural difficulties

2.13.42 The Committee is particularly concerned about the needs of parents of children with emotional and behavioural difficulties. Although ILEA research has shown that 70 per cent of all pupils in any type of special school or unit have some behavioural or emotional difficulties, those actually placed in special provision for these needs are likely to have the more severe difficulties. In many instances their parents will also experience major behavioural disturbances at home and feelings of failure as a parent are commonplace. Many parents of these children have seen their children excluded from a range of provision. Children may be unpopular in their neighbourhood and families may be isolated and disturbed. We found it indicative of the problems which these special needs create that we had difficulty in meeting groups of parents and those parents whom we did meet tended to have children who had other significant problems or handicaps. No voluntary or parents' organisation appears to represent their interests. We consider that this group of parents will be particularly in need of clear and readable written advice and that many parents will need counselling and support in coping with their child's difficulties. Clearly the school social worker has a major role to play in this area.

Parents' attitudes to social services and the education welfare service

2.13.43 The Committee comments on aspects of the work of Social Service Departments in Chapter 14. It is important to emphasise that comments in this section relate to how parents perceive the contribution of social work and social services when their children have special educational needs. Apart from parents whose children were already attending special schools, we found little understanding of the potential contribution of social services departments to meeting special educational needs. Indeed most parents considered that social services involvement would only occur if the family was experiencing marital, housing or other non-educational problems. Some parents perceived social work involvement as stigmatising and reflecting badly on the family's quality of parenting. However, these general views were not reflected in families whose children attended special schools. The social worker attached to the school was recognised by teachers and parents as a source of practical advice and counselling. School-attached social workers were much more likely to visit the family home and to be seen to be of immediate practical use with information on benefits; respite care; hospital play schemes; and a range of local services. Additionally many school-attached social workers including education welfare officers had good links with local voluntary organisations. More attention should be given to the feasibility of social work attachments to primary and secondary schools in order to extend the social work role in meeting special educational needs.

2.13.44 Many parents found the role of social services confusing at certain chronological points in their child's life. Some children under five would be attending social services day nurseries or using child minders. These parents were sometimes uncertain about the purpose of particular kinds of provision. In some instances parents indicated that they had chosen a particular kind, for example a day nursery, because of the longer day and the absence of school holidays. For single parents such considerations may result in a choice of provision which may not be in the best interests of the child. Some parents spoke highly of social work support in providing staff for an 'extended day', at a nursery school in White City, or for arranging child minders before and after the school day in order to enable a child to attend a particular nursery school or nursery class. Many parents were unaware that social services could help in this way. Education welfare officers could also assist parents in making use of the most appropriate provision in their areas.

2.13.45 The parents of young people between 16 and 19, particularly when the young person had a severe physical handicap or severe learning difficulties, expressed considerable anxiety about the relationships between education and social services in terms of provision. Some felt that they had a difficult decision to make about accepting an adult training centre or day centre place as opposed to a place at a college of further education because of the lack of statutory duties on social services departments to provide day care and the current short-fall in day care places in some London boroughs.

2.13.46 Many parents of adolescents were acutely anxious about the transition from children's to adult services. Parents who had received practical help and family support from social services, in particular respite care, were particularly worried about gaps in provision for old children.

2.13.47 Some parents felt that social services could perform a useful role in negotiating between the interest of parents and those of the young adult — when conflict might arise about choice of placement.

2.13.48 Although we are aware that there is a significantly higher number of children and young people in care amongst the population of some special schools, we did not directly encounter any of the parents, or substitute parents, of these children and young people. Some parent groups expressed concern about support for foster parents. In view of the current trend away from institutional placements for these children and young people, they suggested that their contribution to assessment and involvement in the school placement should be actively encouraged and supported by social services.

2.13.49 Social services have a particular role to play when a child attends a residential school. Parents of children attending ILEA residential schools have the support of social workers. Some parents with children attending residential provision not maintained by the ILEA, felt that they had less access to social work support, particularly when plans had to be made for their child's education or provision after leaving school.

2.13.50 Some concern was also expressed about the ability of social workers to communicate effectively with members of ethnic minorities particularly where English was a second language. This aspect needs attention especially where children and young people have special educational needs.

2.13.51 We encountered a general lack of awareness amongst parents about the role and purpose of the education welfare service. Although education welfare officers normally deliver the formal notice of assessment, many parents were confused by their involvement and, indeed, regarded the education welfare service as being concerned only with school attendance and other administrative matters. Few schools seem to provide information for parents on the scope of the education welfare service and their role needs to be more clearly defined and explained to parents. Some parents spoke highly of individual officers who had helped their families and whom they saw as negotiators on their behalf with the school or with ILEA.

Parents — the role of child health services

2.13.52 The Committee considers aspects of health service provision in Chapter 14. In this section the views of parents are expressed as they were presented to members of the Committee. The majority of younger children with severe special educational needs will have been first identified by child health services. Many children referred for 'formal assessment' will have already been assessed in paediatric outpatient departments, child development centres or other specialist facilities. The child health services, therefore, have a vital role to play in utilising their knowledge of the child and sharing it with the local education authority. Parents' attitudes to educational assessment are likely to be coloured by their earlier experience of medical assessment.

2.13.53 We are concerned, however, at the fragmentation and duplication of some assessment services, which leads many parents to believe that the medical assessment was in fact the 'formal assessment' required by the 1981 Education Act. Additionally, information is often inadequately exchanged between staff working in medical and educational contexts. We were impressed by the success and mutual support of the services offered by the Mary Sheridan Centre, which is partnership funded and administered jointly by health, education and social services, and by the input which such co-ordinated assessment can have to schools and to the home. The viability and practicality of a team approach to assessment of this kind should be carefully examined. District Handicap Teams are functioning in six areas of ILEA and they similarly encourage information exchange and can be a useful model for utilising scarce professional resources. They are also able to provide a direct service to education and social services provision and to meet regularly in provision made by those services in order to help and advise staff. A team approach offers greater continuity to parents and seems better able to relate to wider services in the community. Some parents complained about the poor information exchange between hospital and community based child health services.

2.13.54 We were very concerned about the problem of confidentiality between education, social services and health services staff. We had good evidence that important information was not being professionally exchanged and that this frequently exacerbated problems with parents who assumed that information was being shared between relevant agencies. Access to the exchange of relevant medical information, and the implications of disabilities and health conditions for education, is vital if special educational needs are to be appropriately assessed and met. The staff of schools need to be active with health service colleagues in developing appropriately and effective procedures. We have found little evidence of good quality information being passed to primary schools from services for children under five. This appears to relate less to the non-availability of such information than to problems of systematically recording information on individual children in a way which is relevant to future action, and to difficulties over confidentiality. Parents found evidence of medical information not being transferred worrying and leading to loss of credibility.

2.13.55 Parent groups also noted marked disparity between District Health Authorities with regard to the availability of speech therapy and physiotherapy. Some authorities made paramedical services widely available to ILEA, social services and voluntary provision. Others had noticeably cut back on such provision. All parents greatly valued the practical support of speech therapists and physiotherapists and asked for more support. It was also pointed out that speech therapy services had little capacity to communicate where the language of the home was not English and thus the needs of some children were not being met.

2.13.56 Parents' attitudes to health visitors varied. Where there was regular contact, and in particular when the health visitor had knowledge of disability, there was considerable satisfaction. Parents appreciated local professionals who provided a service for all children and who could visit the home. However, some parents had more negative experiences. They were critical of high staff turnover and lack of continuity and, in some instances, of lack of knowledge about a particular difficulty. Some parents also criticised the slow referral rate from assessment in a paediatric department, or following discharge from a neo-natal unit, to local community health services and claimed the health visitor visited 'much too late'.

2.13.57 In general, comments about child health services are as varied as the parents making them. We did, however, realise that, for some parents with children with complex disabilities (such as spina bifida and hydrocephalus or epilepsy and mental handicap), the consultant paediatrician or paediatric neurologist was the most constant professional factor in their child's lives. These parents were much more likely to discuss their child's educational difficulties with child health services and to ask for particular information to be included in advice for the draft statement. Some parents perceived their child's hospital consultant as the person most likely to support them in seeking an integrated placement. The statutory duties laid upon child health services by the 1981 Act primarily relate to community child health services. But for those parents with children with severe disabilities, the role of hospital-based paediatric services could be seen as paramount.

2.13.58 Although child health services statutorily end at 16, we had evidence from parents of adolescents that they were continuing to receive help from these services after their child's sixteenth birthday. Many parents expressed considerable anxiety about the lack of co-terminosity between health, education and social services, with regard to the transition to adult services. Those parents whose children had ongoing medical needs were particularly concerned at the maintenance of an appropriate medical and

paramedical input into further education and other post-16 provision. When the young people concerned needed monitoring and regulating of treatment for conditions like epilepsy, or needed aids and appliances or advice on conditions like cystic fibrosis or diabetes, parents considered that adult health services were unlikely to understand the educational implications of the child's condition. ILEA Research and Statistics evidence shows that 20 per cent of children attending special educational provision have a medical condition requiring regular treatment. We consider, therefore, that parental concern about provision for health service input into post-16 provision outside school is justified and needs exploration.

Parents from minority ethnic groups

2.13.59 In view of the varied ethnic origins of pupils in London schools, we were concerned to explore any special difficulties which families from minority ethnic groups might experience in gaining access to services and during the assessment of their children's special educational needs.

2.13.60 Parents whose mother tongue was not English emphasised the problems of communication and the lack of suitable information material during the assessment process. Even when an interpreter was available, knowledge of language might be of secondary importance to the family's cultural and personal experiences. A number of studies of families with handicapped children have identified feelings of guilt, stress and bewilderment at the first identification of the children's difficulties. Whilst these studies have offered solutions in terms of sympathetic counselling linked to practical help, we were aware that families of minority ethnic group children might experience the same conflicting emotions — but might also lack the support network of the voluntary and statutory services because of problems of language. For example, some families interviewed in a small exploratory study in ILEA also felt that their child's disability must reflect some failure on their own part. Some of these families had significant diffculties in understanding the cause of their children's disabilities and difficulties and in working with services to meet them. Parents were very caring and highly motivated, but ideas about appropriate help might be influenced by personal experiences. Without adequate information and access to a trusted professional fluent in their mother tongue, some parents in the survey had low expectations of what the education service could provide in order to help their children. If the parents had come from countries where special educational provision was rare, and where appropriate care would be seen as physically looking after children, resolving or alleviating their 'pain' would seem the most appropriate course of action. *Our discussions with these parents left us in no doubt of the crucial role of professionals who could communicate in the mother tongue and the need to ensure that all parents receive written and verbal information which they can fully understand, in order to enjoy a positive partnership with local services.*

2.13.61 Most parents had very positive pictures of medical staff, in particular doctors either in the school medical service or in paediatric departments. Therapists were greatly valued as having practical value and for being able to 'model' appropriate treatment for the child. General practitioners were felt to be less helpful because of pressures of time. Health visitors, where they had some knowledge of disability, were seen as friendly and supportive and their ability to visit at home was appreciated. However, parents again emphasised the need to be able to understand the medical advice which was given and the importance of having contact with a professional who could communicate in their own mother tongue. Many parents were anxious about comments or information exchanged in a child health service setting because they had difficulty in understanding what was being said. Parents in turn were often inhibited in exchanging information on a child because of communication problems.

2.13.62 Parents who needed interpreters were very concerned that their views might be neither fully understood nor adequately recorded. Where a centre, often run by a voluntary organisation, was available such as Sunley House (Toynbee Hall), there was a high degree of satisfaction at the way in which information and practical help could be given. We were very impressed by the use of parent groups as a strategy for helping parents, and by the additional resources available through a group, such as introduction to local services; help with English; access to adult education and the ready availability of trusted interpreters. Some parents who had recently arrived in the United Kingdom were very isolated and valued the support of a centre or voluntary organisation in providing them with a social context and in arranging outings and other social activities for parents and children. *We also noted that groups could make effective use of scarce resources such as speech therapy and that parents quickly developed skills and confidence through shared activities.*

2.13.63 As noted in other sections, we were extremely concerned that Afro-Caribbean children were over-represented in some forms of special educational provision and that their parents were least likely to feel satisfied with their children's progress at school. Afro-Caribbean parents seemed to be particularly dissatisfied with all services and to feel that their children were assigned disproportionately to special provision. These parents felt a sense of rejection by the ordinary school community and some commented that lack of self-esteem was commonly felt in ordinary schools by children who had no special educational needs. Some parents felt that even within primary and secondary schools, their children were much more likely to be allocated to the 'bottom groups' and to remedial classes. A submission from the Inner London Black Teachers' Group noted that in any proposals for integration of children with special educational needs, parity of esteem for all pupils 'should be a major objective'.

2.13.64 Parental anxiety about under-achievement mirrors the conclusions of the Swann Report (1985) on the need to look at whole-school policies for developing a curriculum appropriate to a pluralist multi-cultural society with 'a framework of commonly accepted values, practices and procedures'. ILEA has an active policy of equal opportunities, which are also essential in meeting special educational needs in the most appropriate way for the child and for his or her family. We were aware that many parents anticipated stereotyped attitudes towards their children's difficulties within the education system and that experiences of racism or prejudice within what the Swann Report called the 'added dimension' (the impact of socio-economic factors, such as housing and employment and attitudes to black parents within that provision) must influence their expectations of education services.

2.13.65 We were concerned at the feelings of alienation and rejection experienced by some of the parents from minority ethnic groups. Whilst it is difficult to generalise, and there were important differences in feelings and experiences between different groups of the 'black' community, there was clear indication in our evidence that parents do not find services satisfactory and that they perceive them as labelling. We were particularly concerned that such a high proportion of Afro-Caribbean parents, 57 per cent as compared to 22 per cent of other parents with children in special educational provision, were not happy with the way in which they were told of their child's special educational needs. 42 per cent of these parents, as compared to 13 per cent of all parents, were dissatisfied with the amount of information provided and 33 per cent (compared to 8%) with the amount of contact with teachers in their children's present schools.

2.13.66 In view of the above comments, we consider parents from minority ethnic groups will be helped to participate more fully if the Authority and schools provide:
(a) Culturally acceptable and appropriate information material on ILEA procedures.
(b) More encouragement to come into school and to be more closely involved with the curriculum. For some parents this will require particular attention to the language of communication and interpretation.
(c) More attention to existing parent/school links, such as Parent Teacher Associations, in order to encourage minority ethnic group parents to join and meet other families.
(d) Encouragement to parents anxious about assessment procedures to take friends or relatives to meetings and examinations.
(e) Informed and acceptable befriending, information and counselling to minority ethnic group parents through the implementation of the role of the 'named person' discussed in the next section.

2.13.67 *We were also made aware of the need to ensure that teaching and other staff fully understood cultural factors which might constitute barriers to meeting special educational needs.* Parents of a Moslem girl might, for example, object to their child being examined by a male doctor. Jewellery, barred in principle at school, may have religious or other significance. Mothers may be unable to attend meetings at school, or invite a home teacher or other peripatetic worker, into their own homes without an escort. Equally mothers may be unaccustomed to using public transport on their own, particularly when complicated journeys with other younger children are involved. Professionals also need to know when to involve an interpreter. The practice of using older children may be acceptable on occasions, but parents naturally will not wish to discuss some personal or confidential matters through family members. Information for teaching staff in the Health Education Council leaflets (available in 12 languages) and reference to the Ethnic Switchboard, which can arrange referrals on issues such as welfare rights, community services, etc, will help parents, particularly when the family concerned is isolated and not part of one of London's larger minority ethnic groups.

2.13.68 *Overall the response which we received from parents from minority ethnic groups, and the comments which we received from professional and voluntary organisations working with them, made us aware that the meeting of special educational needs for these children will necessitate careful thought about specific linguistic and cultural needs and an appraisal of current approaches to working with all families to ensure that families from minority ethnic groups feel genuine respect and concern for their views.* There is a need for greater input into staff training in all disciplines and at all levels in order to ensure that coherent overall strategies are developed which are appropriate, acceptable and which convey positive feelings about 'reconciling the concerns and aspirations of both the majority and minority communities along genuinely pluralist lines' (Swann Report). The focus of the 1981 Education Act on partnership and participation with parents offers a genuine opportunity for exploration of positive steps fully to involve parents from different cultural backgrounds in their child's assessment. Without positive steps to involve parents, the procedures will be perceived as labelling, negative and segregationist.

Who speaks for parents?

2.13.69 In the context of parental involvement, a number of new roles have been discussed with regard to the implementation of the 1981 Act. First, the Warnock concept of the 'named person' — essentially counsellor and adviser — is incorporated in a limited form in the Act, but is undefined in function in the accompanying circular and regulations. Secondly, there is a move in the wider co-ordination of services for children and their families towards a 'key worker' model which ensures that parents do not drift from one professional to another and that any recommendations are actually implemented. Thirdly, the American idea of the 'citizen advocate' is seen by some to be inherent in any legislation which has an appeal procedure. Although the citizen advocate is certainly not wholly concerned with confrontation, being usually much more concerned with negotiation and consultation, the idea of advocacy is seen by many

professionals as being threatening and potentially damaging to their relationships with parents. Fourthly, the 'designated officer' of the local education authority has a particular role with regard to advice to parents. Many parents, and indeed some professionals, have confused this role with that of the 'named person'. In practice all four models of parent advice and support outlined above are mutually compatible. In practice parents will vary greatly in the level of support and advice which they require. We are confident that many parents will already have their own network of support, particularly if they are members of a national voluntary organisation. But in many other instances the parents have social, language or other difficulties in their own lives, there may be no such support network, and a large group of parents may be unsupported, confused, isolated and much more likely to be dissatisfied with what is offered.

2.13.70 The Committee is convinced, from its contacts with many parents and parent organisations, that there is a need for a designated person, outside the education authority, to provide appropriate information, talk through any problematic issues, and to make the parent feel confident and comfortable at any time. Although many parents will indeed be guided and helped by a 'key worker' or, indeed, may obtain sufficient information from the designated officer of the LEA, we had clear evidence that many parents needed an extra resource in order to be able to assume the role of 'partner' rather than 'client' and to fully understand the procedures involved. Additionally many parents felt that they wished to talk through their anxieties with a neutral person, who had no responsibility for service delivery and who would be more likely to be sympathetic to the parent's cultural, personal and social background and, if possible, to have a particular interest in the child's special needs. In Chapter 14 on the role of the voluntary organisations, we have considered using the resources of the voluntary sector in order to perform this role. We have been impressed by the success of the 'parent counsellor' who advises and supports parents in the USA, with reference to the procedures of Public Law 94:142. The parent counsellor is accountable to a 'parent coalition', which is a voluntary organisation, with state funding. Although we do not propose an exact replication, we consider that this role has proved its efficacy in not only increasing parental satisfaction but in facilitating successful outcomes to assessment.

2.13.71 Some groups of parents are not well served by the existing 'special needs' organisations. The dissatisfaction expressed by parents of children with moderate learning difficulties and emotional and behavioural difficulties, already referred to, clearly demonstrates their need for counselling, reassurance and commitment during the assessment processes. Although organisations like Elfrida Rathbone are highly effective where they have local groups, they cannot at present serve this large population. Our model of a voluntary organisation resource presupposed not only that some of the existing 'handicap' organisations could extend their roles, although their titles might appear stigmatising to some parents, but that other organisations not necessarily associated with education such as community groups, citizens' advice bureaux and similar sources of local support might become involved. Diversity would be essential, particularly in the more deprived inner-city areas where the voluntary sector may be smaller and parents less able to travel.

2.13.72 Although the 1981 Education Act makes a requirement in Section 7 that parents should be given the name of a person who is able to help them when the draft statement is made, Warnock envisaged the role of the named person as commencing when formal assessment began. We would agree that it is in the process of early identification and assessment that most parents experience the greatest anxiety and stress. When they come from minority ethnic groups, have previous poor experiences of statutory services, or when there is parental disagreement about the need for assessment, the 'named person' would appear to be most needed.

2.13.73 With reference to parent support at the start of formal assessment procedures, we are concerned that at present parents perceive early information on assessment to be inadequate when it comes through the ILEA. This relates not only to parental confusion about the sometimes transient involvement of the education welfare officer who delivers the formal notification, but also with wider anxieties about the implications of the assessment. A number of parents told us they needed time in order to come to terms with their child's difficulties. Where the family was already supported professionally, and there was a 'key worker', even if the key worker came from a non-educational agency, parents felt much more comfortable. However, the majority of parents will not already be in touch with a network of professional supporters unless their child has an obvious disability. Whether or not a separate role of 'named person' is implemented, we are concerned that education welfare officers should be given sufficient training and support in working with families with children with special needs. Potentially offering an invaluable link between family and school, their role will be diminished without opportunities for wider contacts with other relevant professionals who already work with the family and without sufficient allocation of time in order to establish a trusted relationship with the family concerned.

2.13.74 We recognise that the implementation of the broad concept of 'named person' or 'befriender' is complex; that it requires organisation and co-ordination; and that it should not duplicate the contribution of agencies and individuals already involved with the family. However, we are concerned that the very real needs of parents for additional support and guidance from the start of the assessment process should be recognised. In particular those parents whose children experience difficulties whilst in nursery, primary and secondary schools or who have the less 'acceptable' problems of behavioural and emotional difficulties may be very isolated

without some strategy for ensuring that they have access to the kind of informal and informed support which the voluntary sector can offer. Where the parents themselves have language problems, have attended a special school or are illiterate, written information will be inadequate and new approaches are needed to reinforce confidence and avoid alienation.

2.13.75 The function of the role of the named person will vary according to family needs, wider professional relationships and the specific problems of the family concerned. However, certain specific tasks are likely to be required. These include:
(i) Directing the parents to sources of information and help, and intepreting such information if necessary.
(ii) Acting as an enabler, encouraging negotiation and endeavouring to avoid confrontation unless essential.
(iii) Providing a direct link with the education authority. Many people will need encouragement and support in making enquiries or participating in assessment. The 'named person' can act as bridge builder and, if necessary, put queries on the parent's behalf.
(iv) Acting as a liaison person with other statutory and voluntary agencies, not as the key worker who would have professional accountability for the delivery of services, but in terms of obtaining information on the availability of help from services and from the voluntary sector.
(v) Acting as friend and counsellor. Although some parents may regard the definition of 'friend' as patronising, many parents have told us that they did need a 'friend', at least in the early stages, and that liking and being liked was very important.

2.13.76 The functions listed above could be compatible with existing professional involvement with a family. In principle therefore the role could be played by professionals or representatives from a voluntary organisation. However, we are concerned that such a person should not act in a vacuum and have commended a model for appointing an informal 'panel' of 'named persons' to be based within ILEA and to include individuals with a range of experiences and interests. As noted in Chapter 14, the Committee recognises that such a panel would need access to accurate and adequate information in order to be effective and acceptable. It would also have to have some accreditation from the ILEA, and its work would need to be co-ordinated, perhaps by a voluntary organisation or an employee of the Authority whose responsibility would be to provide an effective link between the panel and the Authority. There are precedents for using disinterested members of the public in this way and citizens' advice bureaux are one example. The Committee thinks that this idea should be explored and evaluated through pilot projects.

2.13.77 Because of the small number of cases which have so far gone to appeal within ILEA, the Committee received no systematic response from parents on this subject. However, a number of parents and voluntary organisations wished to stress their desire for ILEA to regard appeal committee decisions as binding on the Authority, as they would be under the 1980 Act appeal proceedings.

Parental views on encouraging partnership

2.13.78 It is perhaps helpful to summarise suggestions stemming from parents. A number of parent organisations and individual parents indicated strategies and particular services which they felt would facilitate partnership. These are listed below:
(i) An increase in the availability of under fives services (in particular home teaching programmes such as the Portage Project).
(ii) An extended implementation within ILEA of the role of the 'named person'.
(iii) More information for parents on (a) the full range of provision for all age-groups within Divisions and (b) information on voluntary organisations.
(iv) Adult Education classes, workshops and courses for parents on a range of topics, including assessment; the implications of particular special needs; behavioural and other problems.
(v) More home-school visits not only when children are under five but in subsequent school years.
(vi) More parental involvement in schools, particularly in sharing the child's educational programme and in understanding the curriculum.
(vii) More assessment placements, with adequate resources and with full parental involvement.
(viii) More shared observations and record keeping between parents and schools.
(ix) More training and support for parent governors particularly in ordinary schools, with regard to helping parents of children who are identified as having potential special educational needs.
(x) Involvement of parents and parent organisations in the preparation of information material for parents.
(xi) Continuous attention to the special language or cultural perspectives of families from minority ethnic groups.
(xii) Recognition that many parents have low incomes, social and other problems which may inhibit partnership. Partnership may necessitate opportunities to meet relevant professionals out of regular school hours and the careful timing of examinations.
(xiii) The nomination of a 'key worker' where a child is receiving services from a number of professionals in order to avoid conflicting advice and confusion.
(xiv) Simple guidelines for enabling parents to contribute to the draft Statement and to record what is relevant from their personal knowledge of their child.
(xv) Respect for differences of opinion and time in which to discuss them.
(xvi) Reduction in time taken for 'formal assessment'.
(xvii) Encouragement to take a friend or relative to examinations and interviews. □

CSIE Summaries

The 1981 Education Act

Section 1 (1) and (2) A Learning Difficulty

(1) A child has special educational needs if he has a learning difficulty which calls for special educational provision to be made for him.
(2) A child has a learning difficulty if:
He has a significantly greater difficulty in learning than the majority of children of his age; or
He has a disability which prevents or hinders him from making use of the general education provided in ordinary local schools, for children of his age; or
He is under five and falls into one of these two categories, or is likely to, when of school age, if special educational provision is not made.

Section 1 (3) and (4) Special Educational Provision

(3) Special educational provision relates to a child from the age of two; it is additional to, or different from, general educational provision for children of his age in local schools.
(4) A child cannot be said to have a learning difficulty solely because the language used at home is different from that used at school.

Section 2 (1) Basic LEA duty

(1) LEAs have a duty to provide special education for pupils who have special educational needs.

Section 2 (2) and (3) Duty to Integrate

(2) It is the duty of the LEA to secure that a child is educated in an ordinary school.
(3) Provided that account has been taken of parents' views and that such education is compatible with:
The child receiving the education required.
The continued efficient education of children with whom he will be educated.
The efficient use of resources.

Section 2 (4) LEA Review

(4) LEAs have a duty to keep under review their arrangements for special educational provision.

Section 2 (5) and (6) Governors' Duties

(5) School governors must use their powers:
To secure that for any registered pupil with special needs, the required provision **is** made;
To secure that the "responsible person" makes known a child's special needs to all who are likely to teach him;
To secure that teachers in the school are aware of the importance of identifying and providing for any such registered pupils;
(6) The "responsible person" is the headteacher or another governor so designated in a county or voluntary school, or the head teacher in a nursery school.

Section 2 (7) Integrating

(7) All those concerned with making special educational provision in ordinary schools must secure that the child takes part in school activities with children who do not have special needs.

Section 3 Education Otherwise

If the LEA are satisfied and they have consulted the child's parents, that it would be inappropriate for the provision to be made in a school, they may arrange for it to be made otherwise.

Section 4 (2) LEA Responsibility

(2) LEAs are "responsible" for a child in their area if he:
Is registered at a maintained school;
Is a pupil for whom the LEA has arranged education at a non-maintained school;
Has had his special educational needs brought to the LEA's attention;
Is aged two to sixteen and not registered as a pupil at a school.

Section 5 (1), (3) and (5) Assessments

(1) An LEA has a duty to make an assessment of a child's needs if he requires special educational provision, or if they think he probably will require it.
(3) Before doing so the LEA must notify the parent explaining:
That they **propose** to make an assessment;
The procedure to be followed;
The name of an LEA officer (for further information);
The parent's right to make representations and to submit written evidence, giving them at least 29 days from the date of the notice.
(5) If the LEA decide to assess they must inform the parents in writing with their reasons.

Section 5 (6), (7), (8) and (10) Assessment Appeal

(6) If, after assessment, the LEA decide **not** to determine the special educational provision, the parent can appeal in writing to the Secretary of State.
(7) LEAs must inform the parent in writing of this right of appeal.
(8) Secretary of State may direct LEA to reconsider their decision.
(10) If the LEA change their mind and decide not to proceed with an assessment, the parent must be told in writing.

Section 6 (1) and (2) Under 2s

(1) For children aged under two LEAs **may** make an assessment of a child's educational needs with the consent of the parent, and **must** do so at the request of that parent.
(2) The assessment and any subsequent statement of needs for a child aged under 2 shall be made in a manner considered "appropriate" by the LEA.

Section 7 (1) and (2) Statements

(1) Following an assessment, if the LEA are of the opinion that they should determine the special educational provision for a child, they shall make a statement of his needs.
(2) The LEA has a duty to arrange that the provision specified in the statement is made, unless the parent has made suitable arrangements.

Section 7 (3) Statements

(3) Before making a statement parents must receive a draft version, with a written explanation of their rights, listed below;

If the parent disagrees with any part, they can within 15 days, make representations to the LEA and ask for a meeting with an officer to discuss the proposed statement.

The parent can, within a further 15 days, ask for other meetings with professionals to discuss their advice contained in the statement.

Within a final 15 days from the last meeting the parent can make further representations to the LEA.

Section 7 (8) Statements

(8) After considering the parent's views the LEA may;

Make a statement in the form first proposed;
Make a statement in a changed form; or
Decide not to make a statement;

LEA must notify parent in writing of their decision.

Section 7 (9) Statements

(9) If a statement is made, the LEA must;

Send a copy to the parent;
Give notice in writing of his right of appeal;
And give notice in writing of the "named person" to go to for advice and information.

Section 8 (1), (2), (4), (5), (6) and (7) Appeals

(1-2) Parents have right of appeal against the specified provision in the statement, to a local appeal committee. This committee can;
(4) Confirm the provision in the statement; or
Ask the LEA to reconsider it.
(5) After reconsideration the LEA must tell the parent of their decision.
(6) In either case the parent may appeal to the Scretary of State, who can;
(7) Confirm the specified provision;
Amend the statement; or
Direct the LEA to cease to maintain it.

Section 9 (1) and (2) Request for Assessments

(1) For children aged 2-19 years the parent can request an assessment and the LEA cannot "unreasonably refuse".
(2) If a parent asks for a reassessment more than six months after the last, the LEA shall comply unless they feel it "inappropriate".

Section 10 (1) and (2) Health Authority's Duties

(1) If a Health Authority forms the opinion that a child under five has special educational needs they shall;

Inform the parent of their opinion;
Bring it to the attention of the LEA.

(2) They shall also tell the parent of an appropriate voluntary organisation likely to give help.

Section 11 (2) Withdrawing a Child

(2) The parent of a child at a special school, placed by arrangement with the LEA, shall not withdraw the child without the LEA's consent. Parents in dispute may refer their case to the Secretary of State.

Section 12 (1), (2), (3) and (4) Approval of Special Schools

(1) The Secretary of State, may by Regulation, state:

Conditions of approval for any special school under Section 7 of the 1981 Education Act.

Requirements to be complied with by special school while that approval remains in force.

Provision for withdrawal of approval from any special school at the request of the proprietor, or on the ground that there has been failure to comply with any prescribed requirement.

(2) Regulations may impose requirements which call for arrangements to be approved by Secretary of State.

(3) Primary and secondary education in special schools need not be separate as in ordinary schools, although Regulations may require any special school to *be* primary or secondary.

(4) Every pupil attending a special school will attend religious worship and religious instruction, or will be withdrawn from attendance at such worship or instruction in accordance with the wishes of the parent.

Section 13 (1), (2), (3) and (4) Approval of Independent Schools

(1) The Secretary of State may by, Regulations, make provision concerning:

The requirements to be complied with by any school for the purposes of Section 11 (3)(a) of this Act.

Requirements to be complied with by the school, while approval is in force.

Provision for withdrawal of approval from any independent special school at the request of the proprietor or on the ground that there has been failure to comply with any prescribed requirement.

(2) In addition to approval under Section 11 (3)(a) the Secretary of State may impose any additional conditions.

(3) Approval under Section 11 (3)(b) may be subject to any conditions chosen by the Secretary of State.

(4) Approval (or consent) for independent schools may be withdrawn where there is a failure in (2) or (3) above.

Section 14 (1), (2), (3), (4), (5), (6) and (7) Closing Special Schools

(1) An LEA shall not cease maintaining a special school, except in accordance with proposals approved by the Secretary of State under this section.

(2) Notice of closure of a special school by an LEA must be given in writing to —

(a) The Secretary of State;

(b) the parent of every child who is a registered pupil at the school;

(c) any other LEA who send pupils to the school; and

(d) any other person the LEA consider appropriate.

(3) The notice shall specify the time at which the LEA intend to implement the proposals and a period of not less than two months in which written objections may be made to the LEA.

(4) Copies of all objections must be sent to the Secretary of State by the LEA together with their observations on the objections within one month of the expiry date for the objections.

(5) After consideration the Secretary of State may approve or reject the LEA's proposals.

(6) Where the Secretary of State approves the proposals he may direct they are to be implemented at a time different from that specified by the LEA.

(7) Service of any notice sent by post shall take effect on the second day after the day on which it is posted.

Section 15 School Attendance Orders

(1) This section applies in any case where —

The LEA propose to serve a school attendance order on the parent of a child under Section 37 of the 1944 Education Act, and

The LEA maintain a statement for that child under Section 7 of the 1981 Education Act.

(2) The order shall not be served until the end of a fifteen day period, beginning with the date on which the LEA serve on the parent written notice of:

Their intention to serve the order; and

Stating that if the parent selects a school for the child within the fifteen days, it will be named in the order unless the Secretary of State directs otherwise.

(4) If the LEA are of the opinion that —

The school selected by the parent to be named in the order is unsuitable to the child's age, ability or aptitude or to his special educational needs; or

The attendance of the child at the selected school would prejudice the provision of efficient education or the efficient use of resources, then the LEA may, after telling the parents in writing, apply to the Secretary of State to get a school named in the order.

(5) Any direction under subsection (4), above, may require the LEA to make amendments considered necessary by the Secretary of State.

(6) Where the school named in the attendance order is a school maintained by the LEA, it shall be the duty of the LEA and of the governors of the school to admit the child to the school.

Section 16 (1), (2), (3), (4) and (5) Amending, Revoking School Attendance Orders

(1) Applies in any case where —

The LEA have served a school attendance order on the parent of a child under Section 37 of the 1944 Education Act; and

The LEA maintain a statement for that child under Section 7 of the 1981 Education Act.

(2) If at any time while the order is in force the parent applies to the LEA requesting —

That another school be substituted for that named in the order; or

That the order be revoked on the grounds

that arrangements have been made for the child to receive efficient full-time education suitable to his age, ability and aptitude and to his special educational needs otherwise than at school,
then the LEA shall amend or revoke the order in compliance with the request, unless they are of the opinion that:

The school selected by the parent as the school to be named in the order is unsuitable to the child's age, ability or aptitude or to his special educational needs or that the proposed change of school is against the interests of the child,

The attendance of the child at the selected school would prejudice the provision of efficient education or the efficient use of resources; or

No satisfactory arrangement has been made for the education of the child, otherwise than at school.

(3) If a parent is refused their request made under subsection (2), above, the parent may refer the matter to the Secretary of State for direction.

(4) The LEA must amend the statement, if so directed by the Secretary of State under subsection (3), above.

(5) If a school maintained by the LEA is substituted for a school named in the attendance order, it shall be the duty of the LEA and of the governors of the school to admit the child to the school.

Section 17 Parents' Basic Duty

In Section 36 of the 1944 Education Act (duty of parents to secure the education of their children) after the word 'aptitude' there are inserted the words 'and to any special educational needs he may have'.

Section 18 (1) Secretary of State and Examinations

(1) The Secretary of State may be assisted in determining questions put to him arising from the Act by a person appointed by him to examine the child concerned. He may serve a notice on the parent of that child requiring the child's attendance for examination, in accordance with the provisions of the notice.

Section 19 Making the Regulations

Describes the arrangements for making regulations under the Act.

Section 20 Interpretations

(1) For the purposes of this Act a "child" is someone who has not yet reached 19 years of age, and is registered at a **school.** "Ordinary school" means not a special school.

Section 21 Education Act 1981

The last Section indicates its short title — Education Act 1981 — and that the Act only covers England and Wales, and does not extend to Scotland or Northern Ireland.

Schedule 1 Part 1 Examinations

Parents must receive notice of any examinations, including time and place.

Parents have to ensure the child's attendance at such examinations.

Parents have a right to submit any information to the LEA.

Parents have a right to be present at all examinations.

Failure to present the child at an examination, without a reasonable excuse, could result in a £50 fine.

Schedule 1 Part 2 Statements

(3) The statement **must** give details of the LEA's assessment of the child, and

Specify the provision to be made to meet his special educational needs.

(5) All statements have to be reviewed annually by the LEA.

(6) Before amending or cancelling a statement the LEA must tell the parents in writing.

Parents can make representations within 15 days of this notice.

The LEA **must** consider these representations and inform the parent, in writing, of their decision.□

THE REGULATIONS

CSIE Summary of Regulations accompanying 1981 Education Act; Reg. 1 and 2 refer to 'Operation and citation' (1), and 'Interpretation' (2), only.

Regulation 3

Notice of decision to make an assessment

Copies of this notice shall be sent by the local education authority (LEA) to the social services authority and the district health authority.

Regulation 4

Advice generally

The LEA will, for the purpose of making an assessment, seek:

1 educational advice (Reg. 5)
2 medical advice (Reg. 6)
3 psychological advice (Reg. 7) and
4 any other advice which it considers desirable to help arrive at a satisfactory assessment.

All this written advice must relate to features which are likely to be relevant to the child's educational needs; it must show how those features could affect the child's needs; and it must show that provision will be necessary.

Those giving advice (in 1-4 above) will themselves consult with anyone they think relevant as far as the child's needs are concerned; they will also consult with any particular people specified by the LEA. The authority will also give them copies of any representations made by the parents and of evidence submitted by, or at the request of the parents.

Regulation 5

Educational advice

This will be sought from a qualified teacher who may be the head of a school which the child has attended within the preceeding 18 months or a person who the LEA is satisfied has relevant teaching experience.

If the teacher has not taught the child in that period, then advice should be sought from a teacher who has.

In the case of a deaf/partially hearing child, or blind/partially sighted child, the teacher giving advice must be qualified to teach such children.

Regulation 6

Medical advice

This should be sought from a fully registered medical practitioner.

Regulation 7

Psychological advice

This should be sought from a person regularly employed by the LEA as an educational psychologist or a person engaged by the authority as an educational psychologist for the case in question. (Either may consult with another psychologist if they believe that person has relevant information about the child.)

Regulation 8

Matters to be taken into account in making an assessment

a) any representations made by the parents
b) any evidence submitted by, or at the request of the parents
c) the advice obtained via Regulation 4
d) information given by any district health authority or any social services department.

Regulation 9

Mandatory re-assessment

A child who has had a statement written about its special educational needs and who has not been assessed since before 12½, must be re-assessed between 13½-14½.

Regulation 10

Contents and form of statement

The statement must specify:

1 the special educational provision (facilities, equipment, staffing arrangements, curriculum); the type of school that would be appropriate, and the name of an appropriate school; or
2 particulars of the alternative — 'otherwise' — provision considered appropriate;
3 non-educational provision which, if not provided by the LEA, it is satisfied will be provided by a district health authority, social services or other body.
4 non-educational provision which would be of advantage to the child.

The statement shall also set out all the representation, evidence, advice and information gathered under Regulation 8.

Regulation 11

Restriction on disclosure of statements

The statement will not be shown to anyone without the parents' consent except:

a) to anyone who the LEA feels should see it in the educational interests of the child
b) for appeal purposes (see Section 8, 1981 Act)
c) for educational research (the published research to maintain anonymity of the family)
d) on the order of criminal court proceedings
e) under Part III of the 1974 Local Government Act (investigation of maladministration).

Generally speaking the arrangements for keeping statements and attached evidence etc, shall ensure the protection of privacy for parents and child.

Regulation 12

Children moving from one education authority area to another

When a child moves from one LEA to another, the old authority may transfer the statement, and must transfer it at the request of the new one. If it was written not more that three years previously, then the new LEA may seek advice from specialists in the old authority.

A new authority is free to propose not to make an assessment under Section 5 of the Act, even though a child has transferred to its area with a statement. It must tell the parents of this decision, who, if they disagree can ask for an assessment under Section 9 of the Act.□

THE CIRCULAR

The Department of Education and Science's Circular 1/83 explains the Government's thinking behind the 1981 Education Act. From April 1, 1983 radical new procedures of identification, assessment and placement of children with special needs were brought in. ***CSIE Summary.***

First principles

A new wider obligation is placed on education authorities to make sure that adequate provision is made for all children with special educational needs.

The main focus should now be on the child, rather than the disability; a child's needs should also be related to his or her abilities as well as disabilities.

Assessment is a continuous process and not to be seen as an end in itself, but as a means of arriving at a better understanding of a child's learning difficulties.

Action leading to a formal assessment and the writing of a statement of needs may arise from an individual school, a parental request, a recommendation by the local education authority (LEA) psychological service, or referral from elsewhere.

The child must be looked at as a whole person; the involvement of the child's parents is essential.

Assessment is to be seen as a partnership between teachers, other professionals and parents. Frankness and openness on all sides can only help to establish close relations with parents.

The feelings and perceptions of the child should be taken into account; the concept of partnership should, wherever possible, be extended to older children and young persons.

Advice from professionals should explain fully the nature of the case and lead to a proper understanding of the child's needs.

Assessment in schools

Because every school is likely to have at least some pupils with special needs, LEAs should provide guidance to all their maintained schools on the arrangements for identifying, assessing and meeting special educational needs.

While keeping the parents fully involved and informed at every stage, the LEA arrangements must take account of local circumstances.

The teacher must be kept informed of the implications of the pupil's health problems.

Assessment should be closely related to education, but other professionals should co-operate with the teachers at all times.

School governors have a duty to secure that teachers are aware of the importance of identifying and providing for special educational needs. Teachers, who are in a key position to observe children in the classroom, are encouraged to keep full records of their pupils' progress and include information about professional consultations and assessments.

Formal statutory procedures

New formal procedures are laid down for the assessment of children whose needs will, or probably will, require special education provision. These children will be protected by a statement of needs.

The procedures should begin where there are *prima facie* grounds that a child's educational needs will require provision other than that generally available in ordinary schools.

The statement will only usually apply to: children with severe or complex learning difficulties who require provision of extra resources in ordinary schools; a child who is placed in a special unit in an ordinary school, or a child in a special school, a non-maintained special school or an independent school.

These procedures will not be required when ordinary schools make extra provision from their own resources, or when a child attends a reading centre or unit for disruptive pupils; nor will they be needed when extra help for the child is only for a short period.

Initial stages

The serving of a formal notice to parents saying that a statement might be compiled, should not be the first indication they have of their child's learning difficulties; there should have been earlier contacts between parents and professionals.

Parents will be told in the notice of the procedures to be followed, the name of the LEA officer to get further information from and of their right to make representations in a period of not less than 29 days.

Parents may need help at this stage and LEAs should suggest the name of a relevant voluntary organisation or LEA officers who could write down their representations.

Seeking advice

The authority must seek educational, medical and psychological advice as they consider desirable; advice must be written and those giving it are to receive written copies of representations by the child's parents; (the old SE Forms are withdrawn).

Professionals should view the child in terms of:

1 strengths and weaknesses, past history and how he/she relates to the environment at home and at school

2 how provision can help the child develop educationally and increase his/her independence, and what the recommended facilities and resources are.

Where possible, advice must be sought from the headteacher of a school where the child has attended at some time in the preceeding 18 months; if it is thought the child may have a hearing problem or be visibly handicapped, the head must consult with teachers qualified to teach deaf and blind pupils.

Before submitting medical advice the medical officer will co-ordinate information from all doctors who have a contribution to make.

Psychological advice must be sought from an educational psychologist employed (or

engaged) by the LEA, who should consult with clinical and occupational psychologists.

Other advice

When an LEA decides to assess a child, nursing and social services must be notified by the authority so that any relevant information which they have on the child can be passed on. Identification of a child's needs may be achieved in a variety of ways — for example, case-conferences, District Handicap Teams, Mental Handicap Teams, hospital and community-based services or specialist assessment facilities in schools.

Professional advice should not be influenced by considerations of the eventual school placement, since that is a matter for the LEA to decide later on. Discussions which professionals have with parents should not, therefore, commit the LEA or pre-empt decisions relating to placement.

Relations between professional advisers and parents during the assessment process are of crucial importance. While parents have the right to be present at examinations the right does not extend to assessments over a period of time in the classroom or some other setting. In addition, while parents and other observers ought not to be present during some psychological testing, the onus is on the professionals to continue to maintain good relations with parents, involving them throughout the process of assessment.

All the professional advice on which the LEA makes its decision must be copied verbatim in the statement, a copy of which is given to parents.

Whilst advice from professionals should be usable in an educational context, the responsibility for planning a detailed programme of education remains that of the teacher. Ultimate responsibility for assessing the child's special educational needs rests with the LEA.

Form and contents of the statement

The statement of needs should comprise the following sections, in addition to an introduction:

1 Special Educational Needs
2 Special Educational Provision
3 Appropriate School or Other Arrangements
4 Additional Non-Educational Provision

There will be two stages: a proposed (draft) statement on which parents' comments must be invited and a final version; (wherever possible, parents must visit the school in question before the final decision is made). If parents disagree with the draft, the LEA must arrange further meetings between parents and the professionals concerned.

Placement and further advice

A permanent placement should be arranged as soon as possible, although provisional placements may be made for specified periods at the discretion of the LEA, where, for example, a child experiences severe emotional or behavioural problems.

Once the LEA makes a statement, parents must be given a copy; they must be informed of their right of appeal and must be given the name of a person who will be able to establish good relations with the parents and who can supply information and advice about the special educational needs.

Appeals

It is hoped that the use of the appeal procedure will seldom be necessary and used only as a last resort. The appeal committees, set up under the 1980 Education Act, must include members with relevant knowledge of special education. Any extra reports given to the appeal committee must also be given to the parents, who must be told of their rights to appeal to the Secretary of State.

Reviews

Statements must be reviewed by the LEAs at least annually and should be seen as part of a process of continuous assessment.

Re-assessment of children with statements

This will only normally take place where there has been a significant change in the circumstances of the child. Any child not re-assessed since before the age of 12½ years must be re-assessed between the age of 13½-14½, in preparation for further education or some other transition after the age of 16.

LEAs and individual schools must be ready to facilitate the transfer of pupils from special to ordinary schools, when some of the child's problems have been met, or in some cases, where the home circumstances have changed.

Transfers

When a child moves from one LEA to another, the old authority may transfer the statement to the new one (and must transfer it at the request of the new authority); and where a statement was written within the previous three years, the new LEA may still seek advice from the child's former authority.

Keeping and disclosure of statements

A statement must not be disclosed without the consent of the child's parents, except for certain statutory purposes, or in the child's educational interests, and arrangements for keeping them must ensure that unauthorised people do not have access.

Children under five

A distinction is made between children under two and those between two and five — a child under two may be assessed if the parents agree, and must be assessed if the parents request it. The LEA can decide what form the assessment of a child under two will take, and whether to maintain a statement (which, if written, would not be subject to Section 8 of the Act).

'Special educational provision' under age two can mean any kind, including support and advice to help parents to help their children; mother and toddler groups, opportunity groups and other forms of provision by social services and voluntary bodies are all considered relevant in an educational context.

It is hoped that, for children aged two to five, LEAs will continue to give priority to those with special educational needs and admit them to nursery schools and classes.

As soon as a health authority forms the opinion that a child has, or is likely to have special educational needs, it must bring that

opinion to the attention of the LEA; where the health authority considers that a child would benefit from a particular voluntary body, it must inform the parents accordingly. It is felt that voluntary bodies have a special role to play in counselling parents with a child with special needs.

Language of instruction

A child must not be taken to have a learning difficulty, as defined in the Act, simply because the language or form of language in the home is different from that in the school.

The problems for these children are linguistic and are not equated with 'learning difficulties'. However, when it is thought that such a child may have special educational needs, the LEA must, during the assessment process, take account of the possibility that cultural differences may mask the child's true learning potential.

Notices served on parents must be in a language that the parent is familiar with, or one for which he or she could readily obtain an interpreter; it is hoped that LEAs will bring in someone with special knowledge of the language and cultural background during the process of assessment in these cases.

Service children

An LEA must notify the Service Children's Education Authority when Section 5 assessment procedures are initiated for a child whose parent is serving in the armed forces.

Co-operation between education, social services and health authorities

Health authorities are already advised to appoint officers with specific responsibility for advising LEAs; education authorities and social services departments are now also urged to appoint officers to act as points of contact for the purpose of assessment of special needs. Co-operation and collaboration not only between professions, but between different types of authority, are seen as essential for effective assessment.□

Further reading

Reports

The 1981 Education Act in Derbyshire includes comments from parents, ***British Journal of Special Education,*** vol 12 no 3, September 1985.

Report on parental contribution to Section 5 (Education Act 1981): National Pilot Exercise and Feasibility Study 1984-5 by Sheila Wolfendale, The Spastics Society Education Department, 16 Fitzroy Square, London W1P 5HQ, 1985, £1.

Parental perceptions and the 1981 Education Act by S A Sandow and P Stafford, Research Supplement of the *British Journal of Special Education,* vol 13 no 1, March 1986.

Educational opportunities for all? report of committee chaired by John Fish reviewing special educational needs in the Inner London Education Authority (ILEA), Order Processing Department, ILEA Centre for Learning Resources, 275 Kennington Lane, London SE11 5QZ, 1985, £8 plus 80p p&p (£5 plus 50p p&p for ILEA employees).

Mainstreaming in Massachusetts by Mark Vaughan and Ann Shearer, CSIE and CMH, 1986, £2 inc.

Guides

Children with special needs: sources of help ACE Information Sheet, 18 Victoria Park Square, London E2 9PB, 50p.

Special education handbook ACE, 2nd edition 1985, £3.25 inc.

Under fives with special needs ACE, 1984, £2.75 inc.

Education Act 1981: summary ACE, £1.50.

Warnock report summary ACE Information Sheet, 50p.

The 1981 Act: safeguarding your rights ACE Information Sheet, 50p.

Education Act 1981 — the role of the named person by Philippa Russell, Voluntary Council for Handicapped Children, 8 Wakley Street, London EC1V 7QE.

CSIE publications and reports on integration and the 1981 Act publications list available from CSIE, The Spastics Society, 16 Fitzroy Square, London W1P 5HQ, free.

A guide to the Education Act 1981: assessment and placement of physically disabled children in ordinary and special schools notes for voluntary organisations and parents, Royal Association for Disability and Rehabilitation (RADAR), 25 Mortimer Street, London W1N 8AB, 1984.

Help starts here: for parents of children with special needs Voluntary Council for Handicapped Children, 2nd edition 1985, 50p.

Highlights from the National Children's Bureau on special educational needs:
34 Summary of the Warnock report on special educational needs 1978;
42 The family with a handicapped child 1981;
51 Summary of 1981 Education Act 1982;
54 Home based services for the under fives a review of research, 1982;
58 Services for the pre-school child with special needs a review of research, 1984;
67 Children with special educational needs in ordinary schools 1985;
available from the NCB, 8 Wakley Street, London EC1V 7QE, 20p each.

You can help: PPA groups and 1981 Education Act by Pat Cullis, Pre-school Playgroups Association, 61/63 King's Cross Road, London WC1X 9LL.

A series of guidelines about parents' rights and responsibilities 12 factsheets from the National Elfrida Rathbone Society, 11 Whitworth Street, Manchester 13 3GW, 1984.

Children with special needs: a guide for parents by Christine Orton, Home & School Council, 81 Rustlings Road, Sheffield S11 7AB, 1985, 80p.

The child with a medical problem in an ordinary school by Christine Orton, Home & School Council, 1984, 80p.

The educational implications of disability guide for teachers — but useful for parents too, by Judith Male and Claudia Thompson, RADAR, 1985.

Government

Education Act 1980 HMSO, £2.50.

Education Act 1981 HMSO, £2.30.

The Education (School Information) Regulations 1981 no 630, HMSO, £1.40.

The Education (Special Educational Needs) Regulations 1983 no 29, HMSO, £1.65.

The Education (Approval of Special Schools) Regulations 1983 HMSO, £1.75.

DES Circular 8/81 **Education Act 1981** HMSO.

DES Circular 1/83 **Assessment and Statements of Special Educational Needs** HMSO.
(Circulars available free from DES, Honeypot Lane, Canons Park, Stanmore, Middlesex.)

Designing for children with special educational needs: ordinary schools DES Building Bulletin 61, HMSO, £3.95.

Access for disabled people to educational buildings DES Design Note 18, HMSO, free.

Useful addresses

The **Centre for Studies on Integration in Education (CSIE)** was set up at The Spastics Society in 1982. It aims to ensure that authorities, individual schools, parents and others establish effective and appropriate integration schemes for children with special needs.

It helps to link those who are running appropriate schemes with those who wish to do the same. The Centre is compiling a national register of integration schemes; it arranges conferences on different aspects of promoting integration, produces factsheets, leaflets and case studies and runs a free advice service.

For further information about the Centre, its work and publications write to: **CSIE,** The Spastics Society, 16 Fitzroy Square, London W1P 5HQ (01-387 9571). (Write for list of publications.)

The **Children's Legal Centre** is an independent national body set up following International Year of the Child. Its work is concerned with laws and policies which affect children and young people in England and Wales. It provides a free advice and information service by telephone (2pm to 5pm, Mondays to Fridays) and letter. Children's Legal Centre, 20 Compton Terrace, London N1 2UN (01-359 6251).

The **Advisory Centre for Education (ACE),** 18 Victoria Park Square, London E2 9PB (01-980 4596 between 2pm and 5.30pm), offers information and advice on all aspects of the maintained education service, write for list of ACE publications.

Campaign for the Advancement of State Education (CASE) Information from: Elizabeth Wallis, 25 Leybourne Park, Kew Gardens, Richmond, Surrey.

The **Voluntary Council for Handicapped Children** has a free information service, and a range of free publications, including a list of organisations concerned with specific disabilities, a reading list on special educational needs, a booklet *Help Starts Here* (which gives a brief outline of health, social services and education provision for families with children with disabilities) and other leaflets.

For a full list, send a large stamped addressed envelope to: Voluntary Council for Handicapped Children, 8 Wakley Street, London EC1V 7QE (01-278 9441).

National Elfrida Rathbone Society, 11 Whitworth Street, Manchester 13 3GW (061 736 2024).

Pre-school Playgroups Association, 61/63 King's Cross Road, London WC1X 9LL (01-833 0991).

Royal Association for Disability and Rehabilitation (RADAR), 25 Mortimer Street, London W1N 8AB (01-637 5400).

The **Independent Panel of Special Education Experts** has been set up following implementation of the Act to help parents who want a second opinion: for further information send a stamped addressed envelope to: Independent Panel of Special Education Experts, 20 Compton Terrace, London N1 2UN (01-359 6251).

Law Centres Federation, 18-19 Warren Street, London NW1 (01-387 8570).

The **Law Society,** 113 Chancery Lane, London WC2, publishes a series of 28 booklets covering England and Wales, listing solicitors who do legal aid work and other sources of legal advice — citizens' advice bureaux, legal advice and law centres — and giving basic details about legal aid. These booklets, which are updated annually *(Legal Aid Solicitors' List)* should be available in advice agencies and libraries.

Government departments

Department of Education and Science (DES), Elizabeth House, York Road, London SE1 7PH (01-934 9000).
Welsh Office, Education Department, Crown Buildings, Cathays Park, Cardiff CF1 3NQ (0222-825111).
Department of Health and Social Security (DHSS), Alexander Fleming House, Elephant & Castle, London SE1 6BY (01-407 5522).

Other bodies

Council on Tribunals, St Dunstan's House, Fetter Lane, London EC4.
Commissioner for Local Administration (Ombudsman): England: 21 Queen Anne's Gate, London SW1 (01-222 5622); Wales: Derwen House, Court Road, Bridgend (0656-61325).
Parliamentary Commissioner for Administration and Health Service, Church House, Great Smith Street, London SW1P 3BW (01-212 6271).
Equal Opportunities Commission (EOC), Overseas House, Quay Street, Manchester M3 3HN (061-833 9244).
Commission for Racial Equality (CRE), Elliot House, 10/12 Allington Street, London SW1E 5EH (01-828 7022).

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Compiled by ***Elizabeth Wallis***

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Centre for Studies on Integration in Education CSIE

'CAUGHT IN THE ACT'

A survey by the Centre for Studies on Integration in Education (CSIE) of what English and Welsh LEAs tell parents under the 1981 Education Act.

'Caught in the Act', published by CSIE, May 1986. Price £3.50.

(The full survey was written by Rick Rogers; this summary was prepared by CSIE).

A SUMMARY OF THE SURVEY

Special note CSIE is fully aware that the LEA material analysed in this survey was the first attempt by authorities to respond to legal duties under a new law. We know that some LEAs are already re-thinking the content, design and distribution of their material for parents in this field. We produced the report of our survey as a positive contribution to the debate, and hope that LEAs and parents will use it to help improve the educational and social experience for children with special needs.

* * *

Legal background

LEAs have to provide information for parents of children with special educational needs, particularly the detailed arrangements and policies for identification and assessment, together with the 'statementing' process and appeal procedures.

The LEA duty to provide information comes from Section 8 of the 1980 Education Act and the Education (School Information) Regulations 1981. The 1981 Act came into force on April 1, 1983.

In 1984 CSIE became increasingly concerned at the number of parents complaining of a lack of proper information coming from their LEA. It decided to carry out a survey of what information LEAs were providing and in what form. The replies were analysed in the summer, 1985.

Since the Centre's concern was with LEA's legal obligation to publish material, it did not ask for copies of individual letters sent by LEAs to

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parents. It is, then, a 'starting-line' survey - that is, how well do authorities inform parents at the outset of the procedures which a family might be involved in?

As well as the legal entitlement to information outlined above, there is a moral duty forLEAs to provide information via the Circular 1/83 from the Department of Education and Science. This is an advisory, rather than a legal document, but nevertheless tells authorities: 'The LEA should aim to provide the parent with all the information he might require including any relevant information published under the Education (School Information) Regulations 1981'.

There is also an emphasis in the 1981 Act, the Regulations and the Circular that parents should be regarded as partners with professionals and administrators during the different processes. There should be 'frankness and openness on all sides' according to the DES Circular, which adds: 'The child's parent should be involved and kept fully informed at every stage'.

What the survey found

Against this background then, CSIE carried out its survey and received replies from 65 out of 104 LEAs in England and Wales (a 63% response). The replies were, coincidentally, equally distributed among rural counties, the urban metropolitan districts and the Greater London authorities.

A general finding by CSIE is that many parents get a raw deal over the information they receive from the LEA. There are wide variations in the quality and type of information provided for parents, and many LEAs omit to mention or explain key aspects of the arrangements and effects of assessment, statementing and appealing.

While some gave a detailed rundown in a readily accessible form with little or no jargon, many ignore the spirit of the 1981 Act. A few would seem to be operating outside the 1980 Act in not giving parents published information about LEA practice. A minority of LEAs had yet to produce any material on the Act's procedures.

The survey found that LEAs in England and Wales produce material in several ways:

* As one section in a general publication on the education system in the authority.

* As a separate publication on special educational needs and provision.

or

* In stages after an initial booklet or leaflet via letters to parents as they go through the assessment, statementing and appeals procedures.

Some LEAs only offer information in this, last, staggered form with no comprehensive document on what happens. Parents are at a disadvantage - and no 'partner' at all - if they are not given from the beginning, details of the numerous stages they may possibly go through.

.../

What LEAs say and don't say in their material to parents

1 — half the local authorities surveyed fail to give parents a proper background to the assessment of, and provision for, special educational needs.
2 — many LEAs are reluctant to spell out their duties over assessing and providing for special needs; only 46% refer to the duty to secure provision; only 26% refer to the need to keep provision under review; only 11% refer to the duty to integrate children with special needs into ordinary schools.
3 — only 6% list parents' duties under the Act.
4 — only 14% refer to the concept of parents as partners in the assessment process.
5 — only a third tell parents they have a right to be fully consulted and to receive all relevant information.
6 — only one refers to the need to take account of the feelings and perceptions of children.
7 — only 15% indicate that the Act relates to young people up to 19 if still at school.
8 — only 8% refer to the issue of confidentiality.
9 — only 8% give a comprehensive rundown of the assessment process.
10 — one in three fails to set out the basic steps for proposing, agreeing and carrying out a formal assessment.
11 — over half (52%) fail to mention to parents that they have a right to request a formal assessment themselves.
12 — only 58% explain the 29-day period for comment when an assessment is proposed.
13 — only 51% refer to the named officer when a formal assessment is served.
14 — two in every three fail to explain parents' right to attend their children's examinations.
15 — two in every three fail to provide a comprehensive rundown of the procedure between draft statement and agreeing the final statement according to the Act.
16 — almost half (48%) fail to mention parents' right of appeal if it is decided not to make a statement; almost three-quarters (71%) give no details of the appeals committee.
17 — almost half (48%) fail to mention parents' final right of appeal to the Secretary of State.
18 — more than half (54%) fail to refer to annual reviews after a statement has been made; and two thirds (62%) do not mention the re-assessment process at 13/14.
19 — three in every four do not refer to sources of help from the local education authority — and six in every seven fail to mention outside sources of help in the voluntary sector.□

.../

What LEAs tell parents about the 1981 Act procedures

	C 29	M 23	L 13	all 65	% 100
General principles and duties					
Define terms and set procedures in context	15	8	8	31	*48*
LEA duty to secure provision	18	8	4	30	*46*
LEA duty to keep provision under review	13	3	1	17	*26*
LEA duty to integrate	3	4	0	7	*7*
The concept of partnership with parents	4	3	2	9	*14*
Parents' right to information & consultation	10	4	8	22	*34*
Parents' right to confidentiality	3	2	0	5	*8*
Duties of parents	3	0	1	4	*6*
Take account of child's feelings/perceptions	1	0	0	1	*2*
Need to involve older children as partners	0	0	0	0	*0*
Duties extend up to 19s still at school	8	2	0	10	*15*
Assessment procedure					
Assessment notice not first indication of problem	3	3	2	8	*12*
Parents' right to request assessment	15	10	6	31	*48*
Explain proposal to assess	25	12	9	46	*71*
Reference to named officer	17	8	8	33	*51*
Explain 29 days for comment	18	11	9	38	*58*
Offer help in languages other than English	0	1	0	1	*2*
Parents' right to attend examinations	10	3	7	20	*31*
The statement					
Explain statement	27	15	11	53	*82*
Refer to what is in statement	24	17	11	52	*80*
Copy to go to parents	24	16	11	51	*78*
Parents consulted on draft statement	25	13	12	50	*77*
Explain procedure for consultations (15 days etc)	13	10	7	30	*46*
Explain named person	8	6	4	18	*28*
Statement reviewed every year	16	10	4	30	*46*
Re-assessment at 13/14	13	9	3	25	*38*
Appeals procedure					
Parents' right of appeal if no statement	16	11	7	34	*52*
Parents' right of appeal over statement	26	15	9	50	*77*
Explain appeals procedure	12	10	3	25	*38*
Give details of appeals committee	8	9	2	19	*29*
Parents' right of appeal to Secretary of State	20	10	4	34	*52*
Sources of help					
Local authority	7	7	3	17	*26*
Outside agencies	3	3	3	9	*14*

C: English & Welsh Counties; M: Metropolitan authorities; L: Greater London boroughs & ILEA

LEAs involved in the survey

Counties

Avon
Bedfordshire
Berkshire
Buckinghamshire
Cheshire
Cleveland
Derbyshire
Hampshire
Hereford & Worcester
Hertfordshire
Humberside
Kent
Leicestershire
Lincolnshire
North Yorkshire
Northamptonshire
Northumberland
Nottinghamshire
Oxfordshire
Shropshire
Staffordshire
Suffolk
Surrey
West Sussex
Wiltshire

Clwyd
Mid Glamorgan
South Glamorgan
Gwynedd

Metros

Birmingham
Sandwell
Solihull
Walsall
Wolverhampton
Knowsley
Liverpool
Wirral
Bolton
Bury
Manchester
Oldham
Rochdale
Salford
Trafford
Rotherham
Sheffield
Bradford
Kirkless
Leeds
Wakefield
Newcastle
South Tyneside

London

Barnet
Bexley
Brent
Bromley
Ealing
Enfield
Haringey
Havering
Hounslow
ILEA
Newham
Redbridge
Waltham Forest